

NO. 12-09-00311-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

*AL HAYES,
APPELLANT*

§ *APPEAL FROM THE 402ND*

V.

§ *JUDICIAL DISTRICT COURT OF*

*JOSEPH MOTT, LEONARD GROSS,
JOHN NICHOLS, RICHARD EBERT,
MARK MOORE, CHARLES GASKILL
AND CHARLES HALL,
APPELLEES*

§ *WOOD COUNTY, TEXAS*

***MEMORANDUM OPINION
PER CURIAM***

Appellant, Al Hays, has filed a motion to dismiss this appeal. In his motion, Hays states that he no longer wishes to pursue the appeal. The motion includes a “Certificate of Agreement” signed by counsel for Appellees, Joseph Mott, Leonard Gross, John Nichols, Richard Ebert, Mark Moore, Charles Gaskill, and Charles Hall. Because Hays has met the requirements of Texas Rule of Appellate Procedure 42.1(a)(1), the motion is granted, and the appeal is dismissed. As requested by Hays in his motion, the costs of this appeal are assessed against the party incurring them.

Opinion delivered November 12, 2009.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)