



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

ACCREDITED SURETY AND CASUALTY COMPANY, INC.,	§	No. 08-21-00039-CV
	§	Appeal from the
Appellant,	§	112th District Court
v.	§	of Pecos County, Texas
BENCHMARK ELECTRICAL SOLUTIONS, INC., CONTROL INSULATION SERVICES, LLC, INSPECTION ASSOCIATES, INC., SUNSTATE EQUIPMENT COMPANY LLC, MARQUEZ CONSTRUCTION & MAINTENANCE, LLC, TEXAS GAMMA RAY, LLC D/B/A TGR INDUSTRIAL SERVICES, GLOBAL WELDING SERVICES, INC., DANCAR ENERGY CONSTRUCTION, LLC, LEXICON, INC., AND TARGA SOUTHERN DELAWARE LLC,	§ § § § § § § § §	(TC#P-12305-B-112-CV)
Appellees.		

MEMORANDUM OPINION

Pending before the Court is the Appellant's motion to dismiss a portion of its appeal because it has settled certain claims and disputes. First, pursuant to settlement of claims, Appellant moves for partial dismissal of its appeal against the following Appellees: (1) Marquez Construction & Maintenance, LLC; (2) Benchmark Electrical Solutions, Inc.; (3) Control

Insulation Services LLC; (4) Inspection Associates, Inc.; (5) Texas Gamma Ray, LLC d/b/a TGR Industrial Services; (6) Sunstate Equipment Company LLC; (7) Lexicon, Inc.; and (8) Global Welding Services, Inc. Second, with regard to Appellee DanCar Energy Construction, LLC (DanCar), Appellant's motion states it has not directly settled with that party, but nonetheless, it desires to voluntarily dismiss its appeal against DanCar pursuant to TEX. R. APP. P. 42.1(a)(1). Third, Appellant's motion also certifies that all of these nine Appellees agree to the motion and the relief sought. Fourth, regarding the tenth and remaining Appellee, Targa Southern Delaware LLC (Targa), Appellant also moves to abandon Issues I-IV of its appeal, which implicate matters pertaining to the trial court's summary judgment order. Appellant reiterates that it seeks to retain Issues V and VI of its appeal against Targa, which concern the severance of claims and this Court's jurisdiction over the appeal. Lastly, Appellant's motion certifies that Targa is not opposed to the motion and relief sought, but "reserves the right to argue that the appeal should be dismissed as to Accredited's remaining claims as well."

We grant Appellant's motion for partial dismissal of appeal and dismiss the appeal against the following settling parties: (1) Benchmark Electrical Solutions, Inc.; (2) Control Insulation Services LLC; (3) Inspection Associates, Inc.; (4) Marquez Construction & Maintenance, LLC; (5) Sunstate Equipment Company LLC; (6) Texas Gamma Ray, LLC d/b/a TGR Industrial Services; (7) Global Welding Services, Inc.; and (8) Lexicon, Inc. *See* TEX. R. APP. P. 42.1(a)(2). We also grant the motion to voluntarily dismiss the appeal against DanCar. *See* TEX. R. APP. P. 42.1(a)(1). Finally, Appellant's appeal against Targa will remain pending but modified. Based on Appellant's opening brief, Issues I-IV concerning Targa are considered abandoned, while Issues V and VI remain pending and will be submitted for this Court's consideration. The appeal will hereafter be styled *Accredited Surety and Casualty Company, Inc. v. Targa Southern Delaware*

LLC. Appellee Targa's response brief is due November 1, 2021.

GINA M. PALAFOX, Justice

October 25, 2021

Before Rodriguez, C.J., Palafox, and Alley, JJ.