



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN THE INTEREST OF:	§	No. 08-22-00020-CV
J.L.C. and J.C.C.,	§	Appeal from the
MINOR CHILDREN.	§	109th Judicial District Court
	§	of Andrews County, Texas
	§	(TC# 20,054)

MEMORANDUM OPINION

Before the Court is Appellee's Motion to Dismiss Appeal filed on August 29, 2022 based on a settlement agreement reached on August 26, 2022. The motion asserts that the parties have reached an agreement to compromise and settle their differences regarding the subject of this appeal. Appellee requests a dismissal of this appeal and for this Court to set aside, without regard to the merits, the trial court's order dated November 23, 2021. Moreover, Appellee requests that we remand the case to the trial court for rendition of judgment in accordance with their agreement. And finally, Appellee requests we order costs of the appeal be taxed against Appellant. We called for a response from Appellant, who on September 7, 2022, by letter confirmed that the parties had reached a settlement and was not opposed to dismissing the appeal.

Texas Rule of Appellate Procedure 42.1 sets forth the actions this Court may take in accordance with an agreement signed by the parties or their attorneys and filed with the clerk. *See* TEX.R.APP.P. 42.1(a)(2). Pursuant to this rule, we may: “(A) render judgment effectuating the parties’ agreement; (B) set aside the trial court’s judgment without regard to the merits and remand the case to the trial court for rendition of judgment in accordance with the agreement; or (C) abate the appeal and permit proceedings in the trial court to effectuate the agreement.” TEX.R.APP.P. 42.1(a)(2).

Accordingly, we grant the unopposed motion to effectuate settlement. We render judgment setting aside the trial court’s order of November 23, 2021, without regard to the merits. *See* TEX.R.APP.P. 42.1(a)(2)(B). We remand the case to the trial court for rendition of judgment in accordance with the parties’ agreement.¹ Appellant shall bear the costs of this appeal.

JEFF ALLEY, Justice

September 19, 2022

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

¹ Rule 42.1(a)(2) disposes of this appeal by rendering judgment setting aside the trial court’s order without regard to the merits, and further remands the case to the trial court for rendition of judgment in accordance with the agreement. *See* TEX.R.APP.P. 42.1(a)(2). Thus, we conclude there is no need for dismissal as requested.