



In The

# **Eleventh Court of Appeals**

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No. 11-13-00115-CV

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**MICHAEL HARTLOVE, Appellant**

**V.**

**BUTTS RECYCLING, INC., Appellee**

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**On Appeal from the 238th District Court**

**Midland County, Texas**

**Trial Court Cause No. CV47405**

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## **MEMORANDUM OPINION**

Both parties to this appeal, Michael Hartlove and Butts Recycling, Inc., timely filed notices of appeal from the trial court's judgment entered on January 10, 2013. Each of them have now filed an unopposed motion to dismiss the appeal pursuant to TEX. R. APP. P. 42.1(a)(1). In the motions, the parties allege that they have reached a settlement on all matters and that they no longer wish to pursue an appeal. The parties further allege that the judgment that is the subject of

this appeal has been vacated as a part of their settlement and that the underlying case has been dismissed with prejudice. The parties ask this court to dismiss the appeal. They additionally request that all costs be assessed against the party incurring same. Therefore, in accordance with the parties' request, we dismiss the appeal.

The motions to dismiss are granted, and the appeal is dismissed. All costs are assessed against the parties incurring same.

PER CURIAM

June 13, 2013

Panel consists of: Wright, C.J.,  
McCall, J., and Willson, J.