



In The
Eleventh Court of Appeals

No. 11-16-00295-CV

**COBALT OPERATING, LLC; COBALT OPERATING; BLUE
RIDGE RESOURCES, LLC; CROSSTEX SERVICES, LLC; AND
MARK BURKETT, Appellants**

V.

ARISMENDEZ CONSTRUCTION, LLC, Appellee

**On Appeal from the 106th District Court
Dawson County, Texas
Trial Court Cause No. 15-11-19697**

MEMORANDUM OPINION

The parties have filed in this court a joint motion to affirm in part, modify in part, and remand. In the motion, the parties state that they have reached a settlement, and they ask that we grant the relief requested in their joint motion in order to effectuate their settlement. *See* TEX. R. APP. P. 42.1(a)(2)(A). The motion indicates that the parties have agreed to the following:

[1] The appeal of the Final Summary Judgment as against Cobalt Operating LLC shall be and hereby is withdrawn, and such portion of

the Final Summary Judgment shall be affirmed and become final and non-appealable.

[2] The Final Summary Judgment as against the remaining Appellants: Cobalt Operating, Crosstex Services, LLC, Blue Ridge Resources, LLC, and Mark Burkett, shall be vacated, and a take-nothing judgment shall be entered in favor of such Appellants and against Appellee Arismendez.

[3] Following the above modifications to the Final Summary Judgment, this case shall be remanded to the 106th Judicial District Court.

We grant the parties' joint motion. As requested in the motion, the judgment of the trial court is affirmed insofar as it relates to Appellant Cobalt Operating, LLC; the judgment of the trial court is vacated insofar as it relates to the remaining Appellants and is modified to reflect a take-nothing judgment in their favor; and the cause is remanded to the trial court.

PER CURIAM

January 6, 2017

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