

Set aside in part, AFFIRM in part, REMAND; Opinion issued January 31, 2013



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-13-00050-CV

**STEVE ROUSE, Appellant
v.
TEXAS CAPITAL BANK, N.A., Appellee**

**On Appeal from the 162nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-12-13003**

OPINION

Before Chief Justice Wright and Justices Lang-Miers and Lewis
Opinion by Chief Justice Wright

Before the Court is the January 18, 2013 joint motion to set aside appealed part of judgment pursuant to settlement. In the motion, the parties state they have settled all claims between them. The parties also state, and our records show, that Tri-County Autoplex was a party in the trial court, but did not perfect an appeal. We grant the parties' joint motion, and pursuant to the parties request, set aside without regard to the merits the portion of the judgment that awards damages and injunctive relief against Rouse, and remand that portion of the judgment to the trial court for rendition of judgment in accordance with the parties' agreement.

See TEX. R. APP. P. 42.1(a)(2)(B).

/Carolyn Wright/
CAROLYN WRIGHT
CHIEF JUSTICE

130050F.P05



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

Steve Rouse, Appellant

No. 05-13-00050-CV V.

Texas Capital Bank, N.A., Appellee

On Appeal from the 162nd Judicial District
Court, Dallas County, Texas

Trial Court Cause No. DC-12-13003.

Opinion delivered by Chief Justice Wright.

Justices Lang-Miers and Lewis participating.

In accordance with this Court's opinion of this date, the portion of the judgment that awards damages and injunctive relief against Steve Rouse is **SET ASIDE** without regard to the merits. In all other respects, the trial court's judgment is **AFFIRMED**. We **REMAND** this cause to the trial court for rendition of judgment pursuant to the parties' agreement.

It is **ORDERED** that each party bear its own costs of this appeal.

Judgment entered this January 31, 2013.

/Carolyn Wright/

CAROLYN WRIGHT

CHIEF JUSTICE