

DISMISS; and Opinion Filed November 18, 2013.



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

No. 05-13-00991-CV

**CARNEGIE HOMES & CONSTRUCTION, LLC AND
ARPAN GUPTA A/K/A RAM A. GUPTA, Appellants**

V.

FLOOR AND DECOR OUTLETS OF AMERICA, INC., Appellee

**On Appeal from the 298th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-13-04049**

MEMORANDUM OPINION

**Before Justices FitzGerald, Lang, and Fillmore
Opinion by Justice Fillmore**

The Court has before it appellants' November 14, 2013 motion to dismiss the appeal. Appellants state that all issues between the parties have been fully and finally compromised and settled. We grant the motion and dismiss the appeal. *See* TEX. R. APP. P. 42.1(a)(1).

/Robert M. Fillmore/
ROBERT M. FILLMORE
JUSTICE



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

JUDGMENT

CARNEGIE HOMES & CONSTRUCTION,
LLC AND ARPAN GUPTA A/K/A RAM
A. GUPTA, Appellants

No. 05-13-00991-CV V.

On Appeal from the 298th Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DC-13-04049.
Opinion delivered by Justice Fillmore,
Justices FitzGerald and Lang participating.

FLOOR AND DECOR OUTLETS OF
AMERICA, INC., Appellee

In accordance with this Court's opinion of this date, we **DISMISS** the appeal. Subject to any agreement between the parties, we **ORDER** that appellee Floor and Decor Outlets of America, Inc. recover its costs of this appeal, if any, from appellants Carnegie Homes & Construction, LLC and Arpan Gupta a/k/a Ram A. Gupta.

Judgment entered this 18th day of November, 2013.

/Robert M. Fillmore/

ROBERT M. FILLMORE
JUSTICE