

Vacate and Render, and Opinion Filed July 24, 2014.



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

No. 05-12-01333-CV

**ROUGH CREEK MANAGEMENT, L.L.C.,
CARY PLATT, AND PAUL BOCCAFOGLI, Appellants**

V.

**DONNA WEISS, INDIVIDUALLY, AND
AS NEXT FRIEND OF JORDAN WEISS, A MINOR CHILD, Appellee**

**On Appeal from the 191st Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-09-05554**

MEMORANDUM OPINION

Before Justices Bridges, Lang, and Evans
Opinion by Justice Lang

On the Court's own motion, we withdraw our opinion and vacate our judgment of July 8, 2014. This is now the opinion of the Court.

Before the Court is the parties' joint motion to vacate and render judgment pursuant to settlement. In their motion, the parties state, "all matters in controversy in this appeal have been amicably compromised and settled." The parties request that the Court "[(1)] vacate the [trial court's] judgment from which this appeal is taken, without regard to [the] merits, and [(2)] [] render judgment dismissing the cause with prejudice, with each party to bear its own costs, on the ground that all matters in controversy in this appeal have been amicably compromised and

settled.” Further, the parties advise, “[they] do not seek dismissal of this appeal, but instead seek vacatur of the trial court’s judgment and rendition of judgment dismissing the cause.”

Texas Rule of Appellate Procedure 42.1(a)(2) addresses disposition of an appeal in accordance with the parties’ agreement. As requested by the parties, the Court vacates the trial court’s judgment without reference to the merits and, pursuant to the parties’ agreement, renders judgment dismissing the cause with prejudice. Also, as requested by the parties, we order that each party bear its own costs of the appeal. TEX. R. APP. P. 42.1(a)(2)(A), 43.2(e).

/Douglas S. Lang/
DOUGLAS S. LANG
JUSTICE

121333F.P05



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

JUDGMENT

ROUGH CREEK MANAGEMENT, L.L.C.,
CARY PLATT, AND PAUL
BOCCAFOGLI, Appellants

No. 05-12-01333-CV V.

DONNA WEISS, INDIVIDUALLY, AND
AS NEXT FRIEND OF JORDAN WEISS,
A MINOR CHILD, Appellee

On Appeal from the 191st Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DC-09-05554.
Opinion delivered by Justice Lang. Justices
Bridges and Evans participating.

The Court **WITHDRAWS** its opinion and **VACATES** its judgment of July 8, 2014.
This is now the judgment of the Court.

In accordance with this Court's opinion of this date, the judgment of the trial court is
VACATED without reference to the merits and, pursuant to the parties' agreement, judgment is
RENDERED dismissing the cause with prejudice.

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

Judgment entered this 24th day of July, 2014.