

Vacated and Remanded; Opinion Filed October 20, 2016.



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

No. 05-16-00280-CV

**VIEWPOINT, INC. D/B/A VIEWPOINT CONSTRUCTION SOFTWARE, Appellant
V.
R&B ROOFING, L.L.C., Appellee**

**On Appeal from the County Court at Law No. 5
Dallas County, Texas
Trial Court Cause No. CC-15-03209-E**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Lang-Miers, and Justice Myers
Opinion by Justice Myers

In appellant’s Unopposed Motion to Dismiss the Restrict Appeal, appellant informs the Court that the parties have “agreed to compromise and settle all outstanding matters” and have “executed a Confidential Compromise, Settlement, and Release Agreement.” Appellant “respectfully requests that the Court dismiss the restricted appeal without regard to the merits and allow the trial court to release the Default Judgment.” Appellant also “asks that the Court enter an Order dismissing the restricted appeal without regard to the merits and instruct the Trial Court to release the Default Judgment.” Accordingly, we grant appellant’s motion to the extent that we vacate the trial court’s judgment without regard to the merits and we remand the cause to

the trial court for further proceedings consistent with the parties' settlement agreement.

/Lana Myers/
LANA MYERS
JUSTICE

160280F.P05



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

JUDGMENT

VIEWPOINT, INC. D/B/A VIEWPOINT
CONSTRUCTION SOFTWARE, Appellant

No. 05-16-00280-CV V.

R&B ROOFING, L.L.C., Appellee

On Appeal from the County Court at Law
No. 5, Dallas County, Texas
Trial Court Cause No. CC-15-03209-E.
Opinion delivered by Justice Myers. Chief
Justice Wright and Justice Lang-Miers
participating.

In accordance with this Court's opinion of this date, the judgment of the trial court is **VACATED** and the case is **REMANDED** to the trial court for further proceedings consistent with the parties' settlement agreement.

Judgment entered this 20th day of October, 2016.