

DISMISS and Opinion Filed December 17, 2018



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

No. 05-18-00837-CV

D & S CONTAINER, INC. D/B/A BUDGET BOX, Appellant

V.

**PRISCILLA RUIZ, INDIVIDUALLY AS SURVIVING SPOUSE, AND AS PARENT AND
NEXT FRIEND OF JAMES ESTRELLA, JR., Appellees**

**On Appeal from the 101st Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-16-13854**

MEMORANDUM OPINION

Before Justices Bridges, Brown, and Whitehill
Opinion by Justice Whitehill

We reinstate this appeal, which we abated to allow the trial court an opportunity to conduct the necessary proceedings to effectuate the parties' settlement agreement. By unopposed motion filed December 7, 2018, appellant moves to dismiss the appeal in light of the trial court's signed "Order Approving Settlement Involving Minor Plaintiff and Judgment." We grant the motion and dismiss the appeal. *See* TEX. R. APP. P. 42.1(a).

/Bill Whitehill/
BILL WHITEHILL
JUSTICE



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

JUDGMENT

D & S CONTAINER, INC. D/B/A
BUDGET BOX, Appellant

No. 05-18-00837-CV V.

On Appeal from the 101st Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DC-16-13854.
Opinion delivered by Justice Whitehill.
Justices Bridges and Brown participating.

PRISCILLA RUIZ, INDIVIDUALLY AS
SURVIVING SPOUSE, AND AS
PARENT AND NEXT FRIEND OF
JAMES ESTRELLA, JR., Appellees

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that each party bear its own costs of this appeal, pursuant to the parties' agreement.

Judgment entered December 17, 2018.