

DISMISSED; Opinion Filed November 27, 2018.



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

No. 05-18-00987-CV

**THE CITY OF GARLAND, TEXAS, Appellant
V.
JERRY KILLIAN, Appellee**

**On Appeal from the 160th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-16-00723**

MEMORANDUM OPINION

Before Justices Francis, Stoddart, and Schenck
Opinion by Justice Stoddart

Before the Court is the City of Garland, Texas's motion to dismiss appeal based on settlement. We grant the motion and dismiss the appeal. *See* TEX. R. APP. P. 42.1(a).

/Craig Stoddart/

**CRAIG STODDART
JUSTICE**

180987F.P05



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

THE CITY OF GARLAND, TEXAS,
Appellant

No. 05-18-00987-CV V.

JERRY KILLIAN, Appellee

On Appeal from the 160th Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DC-16-00723.
Opinion delivered by Justice Stoddart,
Justices Francis and Schenck participating.

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 Jerry Killian recover his costs, if any, of this appeal from appellant The City of Garland, Texas.

Judgment entered this 27th day of November, 2018.