

DISMISS and Opinion Filed January 26, 2021



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

No. 05-20-00868-CV

**ROBIN PHELAN AND MELINDA PHELAN, Appellants
V.
WALNUT HILL PHYSICIANS' HOSPITAL, LLC
D/B/A WALNUT HILL MEDICAL CENTER, Appellee**

**On Appeal from the 298th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-16-13777**

MEMORANDUM OPINION

Before Chief Justice Burns, Justice Molberg, and Justice Smith
Opinion by Chief Justice Burns

Before the Court is the parties' joint motion to resolve this appeal in accordance with their settlement agreement. We grant the motion, vacate the trial court's judgment and jury's verdict without regard to the merits and render a take-nothing judgment in appellee's favor. *See* TEX. R. APP. P. 42.1(a)(2).

/Robert D. Burns, III/
ROBERT D. BURNS, III
CHIEF JUSTICE

200868F.P05



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

JUDGMENT

ROBIN PHELAN AND
MELINDA PHELAN, Appellants

No. 05-20-00868-CV V.

WALNUT HILL PHYSICIANS'
HOSPITAL, LLC D/B/A WALNUT
HILL MEDICAL CENTER,
Appellee

On Appeal from the 298th Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DC-16-13777.
Opinion delivered by Chief Justice
Burns. Justices Molberg and Smith
participating.

In accordance with this Court's opinion of this date, we **VACATE** the trial court's judgment and jury's verdict without regard to the merits and **RENDER** a take-nothing judgment in appellee's favor.

We **ORDER** that the parties bear their own costs of this appeal.

Judgment entered January 26, 2021