

**Vacate and Rendered and Opinion Filed July 15, 2022**



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

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**No. 05-20-00053-CV**

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**AGL CONSTRUCTORS, A JOINT VENTURE,  
ARCHER WESTERN CONTRACTORS, LLC,  
GRANITE CONSTRUCTION COMPANY AND  
THE LANE CONSTRUCTION CORP., Appellants**

**V.**

**PTG-HDR JV, PARSONS TRANSPORTATION GROUP, INC. AND  
HDR ENGINEERING, INC., Appellees**

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**On Appeal from the 192nd Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-17-05165**

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**MEMORANDUM OPINION**

Before Justices Osborne, Pedersen, III, and Reichek  
Opinion by Justice Osborne

Before the Court is the parties' "Joint Motion to Vacate and Render Judgment Pursuant to Settlement." The parties report that they have settled all matters in controversy in this appeal, and request that we vacate the trial court's judgment without reference to the merits and render judgment dismissing the cause with prejudice. Citing appellate procedure rules 42.1(a)(2)(A) and 43.2(e), the parties request that the Court:

- (a) vacate the trial court's judgment without reference to the merits;

- (b) pursuant to the parties' agreement, render judgment dismissing the cause with prejudice;
- (c) order that each party bear its own costs of appeal;
- (d) direct the clerk of the district court to release to Appellant's counsel the Supersedeas Bond filed on November 8, 2019, and
- (e) grant such other relief to which the parties may be entitled.

Texas Rule of Appellate Procedure 42.1(a)(2) addresses disposition of an appeal in accordance with the parties' agreement. *Rough Creek Mgmt., L.L.C. v. Weiss*, No. 05-12-01333-CV, 2014 WL 3700615, at \*1 (Tex. App.—Dallas July 24, 2014, no pet.) (mem. op.). 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, and direct the clerk of the district court to release to appellants' counsel the supersedeas bond filed on November 8, 2019. TEX. R. APP. P. 42.1(a)(2)(A) and 43.2(e).

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/Leslie Osborne//  
LESLIE OSBORNE  
JUSTICE



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

**JUDGMENT**

AGL CONSTRUCTORS, A JOINT  
VENTURE, ARCHER WESTERN  
CONTRACTORS, LLC, GRANITE  
CONSTRUCTION COMPANY  
AND THE LANE  
CONSTRUCTION CORP.,  
Appellants

On Appeal from the 192nd Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. DC-17-05165.  
Opinion delivered by Justice  
Osborne. Justices Pedersen, III and  
Reichek participating.

No. 05-20-00053-CV      V.

PTG-HDR JV, PARSONS  
TRANSPORTATION GROUP, INC.  
AND HDR ENGINEERING, INC.,  
Appellees

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. We **DIRECT** the clerk of the district court to release to appellants' counsel the supersedeas bond filed on November 8, 2019.

Judgment entered this 15<sup>th</sup> day of July, 2022.