

Dismissed and Opinion Filed March 29, 2022



In The  
Court of Appeals  
Fifth District of Texas at Dallas

---

No. 05-21-00117-CV

---

ASPEN HEIGHTS CONSTRUCTION, LLC, Appellant  
V.  
MSP IDD I, LLC, ON BEHALF OF BRECKENRIDGE GROUP  
WAXAHACHIE, TEXAS, LP, Appellee

---

On Appeal from the 192nd Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-20-15745

---

**MEMORANDUM OPINION**

Before Justices Myers, Osborne, and Nowell  
Opinion by Justice Nowell

On February 14, 2022, we abated this appeal to allow the parties to complete a settlement. *See* TEX. R. APP. P. 42.1(a)(2)(C). The appeal was reinstated on March 21, 2022 and appellant has filed its unopposed motion to dismiss the appeal. *See* TEX. R. APP. P. 42.1(a)(1). Accordingly, we **GRANT** the motion to dismiss and **DISMISS** this appeal. TEX. R. APP. P. 43.2(f).

/Erin A. Nowell//  
ERIN A. NOWELL  
JUSTICE

---

210117f.p05



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

**JUDGMENT**

ASPEN HEIGHTS  
CONSTRUCTION, LLC, Appellant

No. 05-21-00117-CV      V.

MSP IDD I, LLC,  
INDEPENDENTLY AND ON  
BEHALF OF BRECKENRIDGE  
GROUP WAXAHACHIE, TEXAS,  
LP, Appellee

On Appeal from the 192nd Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. DC-20-15745.  
Opinion delivered by Justice Nowell.  
Justices Myers and Osborne  
participating.

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

Subject to any agreement of the parties, it is **ORDERED** that appellee  
recover its costs of this appeal from appellant.

Judgment entered this 29<sup>th</sup> day of March, 2022.