

Opinion issued November 15, 2012



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-09-00448-CV

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**QUALITY INFUSION CARE, INC., Appellant**

**V.**

**HEALTH CARE SERVICE CORPORATION D/B/A BLUE CROSS AND  
BLUE SHIELD OF TEXAS; HOWARD KING;**

**AND HILL & FINKEL, L.L.P., Appellees**

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**On Appeal from the 152nd District Court  
Harris County, Texas  
Trial Court Case No. 2008-04683**

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**OPINION ON REHEARING**

While a motion for rehearing was pending in this case, appellant Quality Infusion Care, Inc. and appellees Health Care Service Corporation d/b/a Blue Cross and Blue Shield of Texas, Howard King, and Hill & Finkel, L.L.P.

announced that they have settled and moved this Court to vacate its December 29, 2011 judgment and render judgment affirming the trial court's judgment.

Accordingly, we grant the parties' agreed motion in part. We vacate our December 29, 2011 judgment and dismiss the appeal as moot. *See* TEX. R. APP. P. 42.1(a). We withdraw our December 29, 2011 opinion. *See* TEX. R. APP. P. 42.1(c). We dismiss all pending motions as moot.

Evelyn V. Keyes  
Justice

Panel consists of Justices Keyes, Sharp, and Massengale.

Sharp, J., concurring and dissenting.