

Opinion issued January 24, 2013.



In The
Court of Appeals
For The
First District of Texas

NO. 01-09-00643-CV

ROBERT B. ALLEN, Appellant

V.

**DEVON ENERGY HOLDINGS, L.L.C. F/K/A CHIEF HOLDINGS, L.L.C.
AND TREVOR REES-JONES, Appellees**

**On Appeal from the 190th District Court
Harris County, Texas
Trial Court Case No. 2007-39183A**

MEMORANDUM OPINION ON REMAND

On March 9, 2012, this Court issued an opinion on rehearing and judgment in this appeal, affirming in part and reversing in part the trial court's judgment. A petition for review was filed in the Texas Supreme Court. While the petition for review was pending, the parties settled their dispute and filed a motion asking the

Texas Supreme Court, pursuant to Texas Rule of Appellate Procedure 56.3, to set aside this Court's and the trial court's judgments without considering the merits and remand the case to this Court. *See* TEX. R. APP. P. 56.3. The Texas Supreme Court granted the motion and remanded to this Court. *See id.*

The parties have now filed a motion in this Court asking us to remand the case to the trial court for entry of judgment. Appellees also ask us to withdraw our March 9, 2012 opinion on rehearing. In accordance with the Texas Supreme Court's instruction, we grant the parties' agreed motion to remand, and we remand this case to the trial court for entry of judgment consistent with the parties' settlement. *See* TEX. R. APP. P. 42.1(a)(2)(B). However, we deny appellees' request to withdraw our March 9, 2012 opinion on rehearing, and we do not withdraw that opinion.

PER CURIAM

Panel consists of Justices Higley, Brown, and Halbach.¹

¹ The Honorable Joseph "Tad" Halbach, Judge of the 333rd District Court of Harris County, participating by assignment.