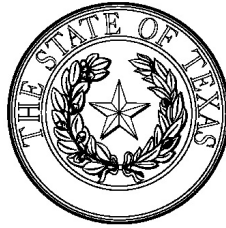


**Opinion issued August 19, 2010**



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

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**NO. 01-09-00912-CV**

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**COASTAL CAROLINA CLEAN POWER, L.L.C  
Appellant**

**V.**

**MSC CONTROLS AND INTEGRATION, INC.  
Appellee**

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**On Appeal from 280th District Court  
Harris County, Texas  
Trial Court Cause No. 2009-06548**

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**MEMORANDUM OPINION**

Appellant, Coastal Carolina Clean Power, L.L.C., brought this appeal

challenging the trial court's judgment dismissing its suit against appellee, MSC Controls and Integration, Inc. No opinion has yet issued.

The parties have now notified this Court that they have reached an agreement as to the proper disposition of appellant's claim that is the subject of the appeal pending in this Court. The parties have filed an "Agreed Motion to Affirm Order" in this Court, requesting that we issue an order or memorandum opinion affirming the trial court's judgment without regard to the merits and taxing costs and attorney's fees against the party incurring the same. *See* TEX. R. APP. P. 42.1(a)(2)(A).

We grant the agreed motion and affirm the judgment of the trial court without reference to the merits and tax costs and attorney's fees against the party incurring the same. *See id.* We overrule all other pending motions as moot. We direct the Clerk to issue mandate within 10 days of the date of this opinion. TEX. R. APP. P. 18.1.

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Bland and Sharp.