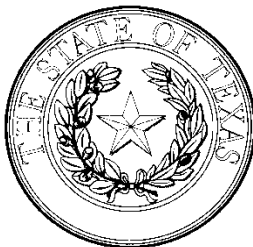


Opinion issued October 1, 2013



In The
Court of Appeals
For The
First District of Texas

NO. 01-13-00378-CV

ORION HEALTHCORP, INC., Appellant

V.

**J. KEVIN HORN, M.D., MARK FRANKLIN, M.D., ROGER N. RANKIN,
M.D., MAGDY A. ABELSAYED, M.D., HERBERT DUKE, M.D., DENNIS
K. HOASJOE, M.D., JAMES G. PYLE, M.D., JEFFERY C.
TANNENBAUM, M.D., OMER I. ILAHI, M.D., SCOTT P. AARONS, M.D.,
MRJ FAMILY LIMITED PARTNERSHIP AND MOHAMED JAFARNIA,
AND STEPHEN DAY, D.P.M., Appellees**

**On Appeal from the 129th District Court
Harris County, Texas
Trial Court Case No. 2008-40011**

MEMORANDUM OPINION

This is an appeal from a judgment signed January 30, 2013. On August 28, 2013, the parties filed a joint motion to vacate the trial court's judgment,

requesting that we vacate and set aside the trial court's judgment and remand the case to the trial court for rendition of an agreed take-nothing judgment. *See* TEX. R. APP. P. 42.1(a)(2)(B). No opinion has issued.

The motion is granted, the trial court's judgment is vacated and set aside, and the case is remanded to the trial court for rendition of a take-nothing judgment consistent with the parties' agreement. *See* TEX. R. APP. P. 42.1(a)(2)(B). We dismiss any other pending motions as moot. The Clerk is directed to issue the mandate within 10 days of the date of this opinion. *See* TEX. R. APP. P. 18.1(c).

PER CURIAM

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