

Opinion issued December 9, 2021



In The
Court of Appeals
For The
First District of Texas

NO. 01-20-00417-CV

NOBLES SERVICES INTERNATIONAL LTD., Appellant
V.
MICHAEL EAGLIN AND GAIL EAGLIN, Appellees

On Appeal from the 164th District Court
Harris County, Texas
Trial Court Case No. 2016-07976

MEMORANDUM OPINION

On August 11, 2020, this Court stayed the present appeal following Appellant Noble Services International Ltd.'s bankruptcy filing in the United States Bankruptcy Court for the Southern District of Texas, Houston Division in the matter styled *In re: Noble Corporation International Limited*, Case No.

20-33828. On August 24, 2021, Appellant filed in this Court a Motion to Dismiss, representing that the parties to the appeal have reached a settlement resolving their underlying dispute and seeking reinstatement and dismissal of the appeal.

Appellant attached to its Motion to Dismiss a signed order from bankruptcy matter *In re: Noble Corporation PLC (n/k/a Noble Holding Corporation plc), et al.*, Case 20-33826, also pending in the United States Bankruptcy Court for the Southern District of Texas, under which Bankruptcy Case No. 20-33828 is jointly administered. The order, which is entitled “Order Confirming the Modified Second Amended Joint Plan of Reorganization of Noble Corporation PLC” (“Confirmation Order”), provides for mediation of the dispute presently on appeal.¹ Appellant states that pursuant to the Confirmation Order, the parties engaged in mediation and settled their dispute. As part of the parties’ final settlement agreement, Appellant agreed to dismiss the present appeal.

The certificate of conference in the Motion to Dismiss states that Appellant twice attempted to confer with Appellees Michael Eaglin and Gail Eaglin about the

¹ Paragraph 147 of the Confirmation Order states in pertinent part:

The Reorganized Debtors and Eaglin shall mutually agree to, or seek relief from the Bankruptcy Court with respect to, mediation of Claim No. 10345 asserted by Michael Eaglin (“Eaglin,” and such claim, the “Eaglin Claim”). Upon the conclusion of such mediation, to the extent that a full settlement has not been reached during a good faith mediation, Eaglin may continue his state court proceedings against Debtors to liquidate the Eaglin Claim . . . and nothing in the Plan, Confirmation Order, or Injunction shall prejudice or limit Eaglin’s rights to do so.

motion, but as of date of filing, Appellees had not responded. The Motion to Dismiss has been on file with the Court for more than ten days and Appellees have not responded or otherwise expressed opposition to the Motion. *See* TEX. R. APP. P. 10.3(a). No cross appeal has been filed and no opinion has issued. *See* TEX. R. APP. P. 42.1(c).

We reinstate this appeal on the Court's active docket, grant Appellant's Motion to Dismiss, and dismiss the appeal. *See* TEX. R. APP. P. 8.3(a), 42.1(a)(1), 43.2(f). We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Justices Goodman, Rivas-Molloy, and Farris.