

Vacated and Dismissed and Memorandum Opinion filed January 28, 2010.



In The

Fourteenth Court of Appeals

NO. 14-09-00586-CV

**DUKE ENERGY FIELD SERVICES, LP (now known as DCP MIDSTREAM, LP)
and DCP ASSETS HOLDING, LP, Appellants**

V.

**EL PASO PRODUCTION COMPANY LP
(now known as EL PASO E&P COMPANY LP), Appellee**

**On Appeal from the 80th District Court
Harris County, Texas
Trial Court Cause No. 2006-74349**

MEMORANDUM OPINION

This is an appeal from a judgment signed April 9, 2009. On August 6, 2009, this court ordered the parties to mediation. On November 30, 2009, the parties filed a joint motion to extend all deadlines for thirty days so that they could finalize a settlement agreement. The court granted the motion and abated the appeal.

On January 21, 2010, the parties filed a joint motion to set aside and vacate the trial court's judgment and dismiss the appeal in accordance with their settlement agreement. *See* Tex. R. App. P. 42.1. We reinstate the appeal and **GRANT** the motion.

Accordingly, we order the judgment signed April 9, 2009, **VACATED**. In addition, we order the appeal **DISMISSED**. We further order that all costs of court are taxed against the party incurring same. We order that appellants' surety, Travelers Casualty and Surety Company of America, is **RELEASED** from any further obligation on the supersedeas bond filed by appellants on July 23, 2009.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Anderson and Christopher.