

Motion Granted; Appeal Dismissed and Memorandum Opinion filed April 5, 2012.



In The

Fourteenth Court of Appeals

NO. 14-10-01214-CV

**INEOS OLIFINS & POLYMERS USA,
A DIVISION OF INEOS USA LLC, Appellant**

V.

**INTERNATIONAL PAPER and CHOCOLATE BAYOU WATER COMPANY,
Appellees**

**On Appeal from the 240th District Court
Fort Bend County, Texas
Trial Court Cause No. 06-DCV-153557**

MEMORANDUM OPINION

This is an appeal from an order granting appellees' motion for summary judgment signed November 10, 2010. On March 28, 2012, appellant filed a motion to dismiss the appeal because all issues in dispute have been settled. *See* Tex. R. App. P. 42.1. In this agreed motion, the parties ask that we dismiss both the appeal and the underlying cause of action with prejudice. The motion is granted. *See* Tex. R. App. P. 43.2(e) (stating court of appeals may vacate trial court's judgment and dismiss the case); *Exxon Corp. v.*

Butler, 619 S.W.2d 399, 399 (Tex. 1981) (setting aside judgments below and dismissing cause on joint motion to dismiss because the case settled).

Accordingly, the trial court's order granting summary judgment is set aside and the cause and this appeal are dismissed with prejudice. Costs are taxed against the party who incurred the same.

PER CURIAM

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