

**Joint Motion to Dismiss Granted; Appellee's Motion for Rehearing Denied as Moot; Majority and Concurring Memorandum Opinions issued February 10, 2015, Withdrawn; Judgment issued February 10, 2015, Vacated; Appeal Dismissed; and Substitute Memorandum Opinion filed April 21, 2015.**



**In The  
Fourteenth Court of Appeals**

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**NO. 14-14-00478-CV**

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**BRAZOS PRESBYTERIAN HOMES, INC. D/B/A THE HALLMARK,  
Appellant**

**V.**

**AUGUST SCHUMACHER LANDER, AS INDEPENDENT EXECUTOR OF  
THE ESTATE OF BETTY S. LANDER, DECEASED, Appellee**

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**On Appeal from the 152nd District Court  
Harris County, Texas  
Trial Court Cause No. 2013-65993**

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**S U B S T I T U T E M E M O R A N D U M O P I N I O N**

This is an accelerated appeal from an interlocutory order signed May 30, 2014, denying appellant's motion to dismiss the underlying suit for failure to file

an expert report under Section 74.351 of the Texas Civil Practice and Remedies Code. *See* Tex. Civ. Prac. & Rem. Code Ann. § 74.351 (West Supp. 2014). On February 10, 2015, this court issued its Majority and Concurring Memorandum Opinions. On March 12, 2015, appellee filed a motion for rehearing. On April 13, 2015, the parties filed a joint motion to dismiss the appeal because they have settled their dispute. *See* Tex. R. App. P. 42.1.

We grant the parties' joint motion to dismiss. We deny appellee's motion for rehearing as moot. We order this court's Majority and Concurring Memorandum Opinions issued February 10, 2015, withdrawn, and issue this per curiam opinion in their stead. This court's judgment dated February 10, 2015, is vacated, and a new judgment is issued with this per curiam opinion ordering that each party shall bear its own costs of this appeal.

The appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Boyce, McCally, and Brown.