

Motion Granted in Part and Denied in Part; Appeal Dismissed and Memorandum Opinion filed October 13, 2022.



**In The
Fourteenth Court of Appeals**

NO. 14-20-00473-CV

AVALON ADVISORS, LLC, Appellant

V.

CHARLES JUSTIN LUKE, Appellee

**On Appeal from the 334th District Court
Harris County, Texas
Trial Court Cause No. 2018-84191**

MEMORANDUM OPINION

This is an appeal from a judgment signed June 24, 2020. Pursuant to a notification from the parties that they had reached a settlement, we abated the appeal on September 20, 2022. On October 3, 2022, appellant notified this court that the parties have settled, and appellant moved to dismiss its appeal. *See* Tex. R.

App. P. 42.1(a)(1). The motion to dismiss does not reflect that appellee agreed to the motion.

The motion is granted in part as to the dismissal of the appeal. *Id.* The motion is denied in part as to appellant's request that "costs [are] to be taxed against the party incurring the same."¹ Tex. R. App. P. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant.").

The appeal is reinstated and dismissed.

PER CURIAM

Panel consists of Justices Wise, Spain, and Hassan

¹ It appears all costs were initially paid by appellant.