

**Appeal Reinstated; Motion Granted; Appeal Dismissed and Memorandum Majority and Concurring and Dissenting Opinions filed December 22, 2022.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-21-00413-CV**

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**34TH S&S, LLC D/B/A CONCRETE COWBOY AND DANIEL JOSEPH  
WIERCK, Appellants**

**V.**

**KACY CLEMENS AND CONNER CAPEL, Appellees**

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**On Appeal from the 113 District Court  
Harris County, Texas  
Trial Court Cause No. 2019-07278**

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**MAJORITY MEMORANDUM OPINION**

This is an appeal from a final judgment signed April 26, 2021. We abated the appeal on September 15, 2022 to allow the parties an opportunity to resolve their dispute. On December 6, 2022, appellants filed an unopposed motion to dismiss the appeal and specified that costs on appeal should be taxed against the

party who incurred the same. *See* Tex. R. App. P. 42.1(a), (d). The appeal is reinstated, and the motion is granted.

We dismiss the appeal.

PER CURIAM

Panel consists of Chief Justice Christopher and Justices Spain and Wilson (Spain, J., concurring and dissenting).