

Motion Granted, Appeal Dismissed, and Memorandum Opinion filed June 7, 2022.



In The
Fourteenth Court of Appeals

NO. 14-21-00749-CV

JAKE'S INC. D/B/A JAKE'S FINER FOODS, Appellant

V.

LAMARCUS HEARN, Appellee

**On Appeal from the 157th District Court
Harris County, Texas
Trial Court Cause No. 2021-48292**

MEMORANDUM OPINION

This is an interlocutory appeal from an order signed November 29, 2021 denying appellant's motion to transfer the proceeding to arbitration. On May 24, 2022, the parties filed a joint motion to dismiss the appeal "with prejudice" as the parties have agreed to transfer their proceeding to arbitration. The Texas Rules of Appellate Procedure speak only of a dismissal of an appeal; neither "with prejudice" nor "without prejudice" is appended to the word "dismissal." *See* Tex. R. App. P.

42.1. We construe the motion as one for voluntary dismissal under Texas Rule of Appellate Procedure 42.1(a)(1). So construed, the motion is granted, and the appeal is dismissed.

PER CURIAM

Panel consists of Justices Zimmerer, Spain, and Poissant.