

*Court Of Appeals*  
*Fourth Court of Appeals District of Texas*  
*San Antonio*



**MEMORANDUM OPINION**

No. 04-09-00494-CV

**KING INDUSTRIES, INC.**  
Appellants

v.

**Abel MEDINA,**  
Appellees

From the County Court at Law No. 7, Bexar County, Texas  
Trial Court Cause No. 346728  
Honorable Irene Rios, Judge Presiding<sup>1</sup>

No. 04-09-00569-CV


**IN RE KING INDUSTRIES, INC.**


Original Mandamus Proceeding<sup>2</sup>

PER CURIAM

Sitting: Sandee Bryan Marion, Justice  
Rebecca Simmons, Justice  
Marialyn Barnard, Justice

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<sup>1</sup>  The Honorable Monica Guerrero is the presiding judge of the County Court at Law No. 7, Bexar County, Texas. However, the Honorable Irene Rios, presiding judge of the County Court at Law No. 10, signed the order complained of.

<sup>2</sup>  This proceeding arises out of Cause No. 346728, styled *Abel Medina v. King Industries, Inc.*, pending in the County Court at Law No. 7, Bexar County, Texas, the Honorable Monica Guerrero presiding. However, the Honorable Irene Rios, presiding judge of the County Court at Law No. 10, signed the order complained of.

Delivered and Filed: November 4, 2009

**MOTION TO DISMISS GRANTED; APPEAL DISMISSED; PETITION FOR WRIT OF MANDAMUS DISMISSED**

On August 11, 2009, appellant King Industries, Inc. filed an appeal and it was assigned appellate cause number 04-09-00494-CV. On September 10, 2009, relator King Industries, Inc. filed a petition for writ of mandamus and it was assigned cause number 04-09-00569-CV. Both cases challenge the trial court's July 23, 2009 order denying King Industries, Inc.'s motion to compel arbitration. On October 19, 2009, King Industries, Inc. filed an agreed motion to dismiss the consolidated appeal and petition for writ of mandamus because the parties entered into a written settlement agreement. Accordingly, the motion to dismiss is GRANTED and the consolidated appeal and petition for writ of mandamus are DISMISSED. *See* TEX. R. APP. P. 42.1(a)(1).

PER CURIAM