

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



MEMORANDUM OPINION

No. 04-10-00555-CV

DISCOVER PROPERTY & CASUALTY INSURANCE CO.
& JI Specialty Services, Inc.,
Appellants

v.

Charles **TATE**,
Appellee

From the 131st Judicial District Court, Bexar County, Texas
Trial Court No. 2008-CI-21040
Honorable Peter Sakai, Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Karen Angelini, Justice
Marialyn Barnard, Justice

Delivered and Filed: October 6, 2010

**JOINT MOTION TO REVERSE AND REMAND GRANTED; JUDGMENT SET ASIDE AND
REMANDED**

On September 14, 2010, the parties filed a joint motion to abate this appeal to allow the parties to finalize a settlement. This court granted that motion on September 20, 2010, and abated the appeal until October 14, 2010. On September 23, 2010, the parties filed a joint motion stating they have fully resolved and settled all issues in dispute. The parties ask that we reverse the trial court's judgment and remand the matter back to the trial court for rendition of a take nothing

judgment in accordance with the parties' settlement agreement. *See* TEX. R. APP. P. 42.1(a)(2)(B); 43.2(d). They also ask that we discharge the obligations of appellants' surety on the supersedeas bond. The parties have agreed that each party will bear its own costs. The parties also request that we order the mandate issued immediately.

Accordingly, we order the abatement lifted and reinstate the appeal. We further grant the parties' motion. The judgment of the trial court is reversed and the cause is remanded to the trial court for entry of a take nothing judgment in accordance with the parties' settlement agreement.

The costs of this appeal shall be borne by the party that incurred them. The obligations of Travelers Casualty and Surety Company of America on appellants' supersedeas bond are discharged.

The clerk of this court is to issue the mandate immediately.

PER CURIAM