



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-14-00331-CV

Gene **DEVOLL**,
Appellant

v.

Rebecca **DEMONBREUN** and William Dowds,
Appellees

From the 285th Judicial District Court, Bexar County, Texas
Trial Court No. 2013-CI-05169
Honorable Antonia Arteaga, Judge Presiding

Opinion by: Patricia O. Alvarez, Justice

Sitting: Sandee Bryan Marion, Chief Justice
Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: November 16, 2016

DISMISSED; PRIOR OPINIONS WITHDRAWN

On August 31, 2016, this court issued a majority opinion and judgment affirming the trial court's order, and Chief Justice Sandee Bryan Marion filed a dissenting opinion. Appellant Gene DeVoll timely filed a motion for en banc reconsideration, which is pending.

On November 2, 2016, the parties filed a joint motion to dismiss the appeal. The parties state they have settled all matters at issue and they ask this court to dismiss the appeal and tax costs against the party that incurred them.

The parties' joint motion is granted. Appellant's motion for en banc reconsideration is dismissed as moot. We withdraw the court's judgment and the majority and dissenting opinions of August 31, 2016, and substitute this opinion and judgment in their stead. *See* TEX. R. APP. P. 42.1(a)(2), 42.1(c).

Patricia O. Alvarez, Justice