



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-15-00750-CV

CHEMROCK TECHNOLOGIES, LLC; Preferred Sands Sales, LLC; Preferred Pipeline, LLC; Preferred Sands of Wisconsin, LLC; Preferred Resin of Genoa, LLC; Shrieve Chemical Products, Inc.; and Thomas Petroleum, LLC;
Appellants

v.

PEL-STATE BULK PLANT, LLC and Shell Western E&P, Inc.,
Appellees

From the 365th Judicial District Court, Dimmit County, Texas
Trial Court No. 13-07-12049-DCVAJA
Honorable Amado J. Abascal, III, Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice
Marialyn Barnard, Justice
Rebeca C. Martinez, Justice

Delivered and Filed: July 27, 2016

DISMISSED IN PART

Two separate notices of appeal were filed in this appeal. In the first notice of appeal, Chemrock Technologies, LLC; Preferred Sands Sales, LLC; Preferred Pipeline, LLC; Preferred Sands of Wisconsin, LLC; Preferred Resin of Genoa, LLC; Shrieve Chemical Products, Inc.; and Thomas Petroleum, LLC appealed an order striking their petition in intervention. In the second notice of appeal, Shell Western E&P, Inc. appealed a final judgment rendered in favor of Pel-State

Bulk Plant, LLC. We ordered the appeals to remain under the same appellate cause number; however, we ordered separate briefing on the matters challenged in the notices of appeal.

The parties have filed a joint motion to dismiss, stating that the matters in the intervention appeal have been resolved. We grant the motion, and dismiss the appeal of the order striking the petition in intervention. Because the motion does not disclose an agreement regarding the assessment of costs, costs are assessed against Chemrock Technologies, LLC; Preferred Sands Sales, LLC; Preferred Pipeline, LLC; Preferred Sands of Wisconsin, LLC; Preferred Resin of Genoa, LLC; Shrieve Chemical Products, Inc.; and Thomas Petroleum, LLC. *See* TEX. R. APP. P. 42.1(d) (stating that absent agreement of the parties, costs are taxed against the appellant).

Shell Western E&P, Inc.'s appeal challenging the final judgment rendered in favor of Pel-State Bulk Plant, LLC remains pending before the court.

PER CURIAM