



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-16-00278-CV

CITY OF EAGLE PASS,
Appellant

v.

Dulce Milagro **HERNANDEZ**, Individually and as Next Friend of Adalberto Hernandez,
Appellee

From the 293rd Judicial District Court, Maverick County, Texas
Trial Court No. 15-02-30780-MCV
Honorable Cynthia L. Muniz, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Luz Elena D. Chapa, Justice
Jason Pulliam, Justice

Delivered and Filed: September 7, 2016

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

The parties have filed a joint motion stating they have fully resolved and settled all issues in dispute. The parties ask that we set aside the trial court's order without regard to the merits and remand the case to the trial court for rendition of judgment in accordance with the settlement agreement. *See* Tex. R. App. P. 42.1(a)(2)(B). The motion does not recite any agreement of the parties as to costs. *See* Tex. R. App. P. 42.1(d) (absent agreement of the parties, costs are taxed against appellant).

We grant the motion. The trial court's order on appellant's plea to the jurisdiction is set aside without regards to the merits and this case is remanded to the trial court for rendition of judgment in accordance with the parties' agreements. Costs of this appeal are taxed against appellant.

PER CURIAM