



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-17-00051-CV

Bertha Ines **TORRES**, Individually for the Wrongful Death of Benjamin Torres, as Representative of the Estate of Benjamin Torres, Deceased; and as Next Friend of M.R.T., R.M.T., and J.G.T., Minor Children; Sylvia Tagle Torres; and Frank O. Torres;  
Appellants

v.

**UPPER VALLEY HELPSOURCE, INC.** and TIBH Industries, Inc.,  
Appellees

From the 79th Judicial District Court, Jim Wells County, Texas  
Trial Court No. 17-02-56845-CV  
Honorable Richard C. Terrell, Judge Presiding

PER CURIAM

Sitting: Patricia O. Alvarez, Justice  
Luz Elena D. Chapa, Justice  
Irene Rios, Justice

Delivered and Filed: November 8, 2017

DISMISSED IN PART

Appellants filed an “Unopposed Motion to Dismiss Appeal as to TIBH Industries, Inc. Only.” The motion states “Appellants have settled and resolved their dispute against Appellee TIBH Industries, Inc. and no longer wish to appeal the Order Granting TIBH Industries, Inc.’s Motion for Summary Judgment.” Appellants add that the requested dismissal will not prejudice the remaining appellee Upper Valley Helpsource, Inc. *See* TEX. R. APP. P. 42.1(a)(1), (b). Appellee TIBH Industries, Inc. approved the motion as to form and substance.

The motion was served on Upper Valley Helpsource, Inc., but it has not filed a response. We grant Appellants' motion and dismiss Appellants' appeal of the trial court's judgment granting TIBH Industries, Inc.'s motion for summary judgment. *See id.*

The appeal and issues pertaining to the dispute between Appellants and Appellee Upper Valley Helpsource, Inc. are retained on the court's docket. Costs of the appeal will be assessed upon final disposition of the appeal. *See* TEX. R. APP. P. 43.4.

PER CURIAM