



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-18-00397-CV

MPII, INC. D/B/A Mission Park Funeral Chapels and Cemeteries,
Appellant

v.

Timothy **MOTT** and Charlotte Mott,
Appellees

From the 131st Judicial District Court, Bexar County, Texas
Trial Court No. 2016CI00572
Honorable Norma Gonzales, Judge Presiding

Opinion by: Beth Watkins, Justice

Sitting: Rebeca C. Martinez, Justice
Beth Watkins, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: December 4, 2019

MOTION TO DISMISS GRANTED; VACATED AND REMANDED

On May 20, 2019, this appeal was formally submitted after oral argument. On July 2, 2019, appellant MPII, Inc. d/b/a Mission Park Funeral Chapels and Cemeteries and appellees Timothy and Charlotte Mott filed a “Joint Motion to Abate Appeal Pending Mediation” requesting that this appeal be abated pending mediation. We granted the parties’ joint motion, abated the appeal, and ordered the parties to file a status update by September 13, 2019. On that day, the parties filed a Joint Status Report, advising they had settled all disputes between them and would file a motion to dismiss this appeal.

On November 12, 2019, the parties filed a “Joint Motion to Dispose of Appeal, Apportion Costs, and Accelerate Mandate” asking this court to vacate the trial court’s March 16, 2018 final judgment without regard to the merits, remand the cause to the trial court for rendition of judgment in accordance with the parties’ agreement, and issue mandate concurrently with this opinion. *See* TEX. R. APP. P. 42.1(a)(2)(B). After consideration, we reinstate this appeal on this court’s docket and grant the motion. We order the trial court’s March 16, 2018 final judgment vacated without regard to the merits and remand this cause to the trial court for rendition of judgment in accordance with the parties’ settlement agreement. *See id.* Pursuant to the parties’ agreement, we order all costs to be borne by the party that incurred them. *See id.* R. 42.1(d) (absent agreement of parties, costs are taxed against appellant). We further order the clerk of the court to immediately issue mandate contemporaneously with the issuance of this opinion. *See id.* R. 18.1(c).

Beth Watkins, Justice