



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-18-00746-CV

UNITED SPECIALTY INSURANCE COMPANY,
Appellant

v.

Alfonso **CANTU** and Ramiro Cantu,
Appellees

From the 49th Judicial District Court, Webb County, Texas
Trial Court No. 2018CVK000197D1
Honorable Jose A. Lopez, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice

Delivered and Filed: February 27, 2019

VACATED AND DISMISSED

On February 20, 2019, pursuant to Texas Rule of Appellate Procedure 42.1(a)(2), the parties filed a joint motion asking this court to set aside the trial court's September 19, 2018 and September 25, 2018 summary judgment orders and dismiss this appeal. Attached to the parties' joint motion is a Rule 11 agreement, which was separately filed in this court, reflecting the parties' mutual agreement. Although the Rule 11 agreement references this court's power to remand the cause to the trial court, the joint motion requests dismissal rather than remand. Accordingly, we grant the joint motion, vacate the trial court's September 19, 2018 and September 25, 2018

summary judgment orders without regard to the merits, and dismiss this appeal. *See* TEX. R. APP. P. 42.1(a)(2). Further, because the parties' joint motion and Rule 11 agreement do not reflect an agreement with respect to costs of appeal, we tax costs of appeal against appellant. *See* TEX. R. APP. P. 42.1(d).

PER CURIAM