



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

**MEMORANDUM OPINION**

No. 04-22-00144-CV

**SJM PREMIER MEDICAL GROUP, LLC,**  
Appellant

v.

**ASPEN MEDICAL USA, INC.,**  
Appellee

From the 37th Judicial District Court, Bexar County, Texas  
Trial Court No. 2021CI17386  
Honorable Mary Lou Alvarez, Judge Presiding

PER CURIAM

Sitting: Luz Elena D. Chapa, Justice  
Irene Rios Justice  
Beth Watkins, Justice

Delivered and Filed: July 13, 2022

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

This is a restricted appeal from the trial court's October 8, 2021 default judgment. On June 21, 2022, the parties filed a joint motion stating they reached an agreement and settled all issues in dispute. The parties ask us to set aside the trial court's judgment without regard to the merits and remand the case to the trial court with instructions to render judgment in accordance with their agreement. *See* TEX. R. APP. P. 42.1(a)(2)(B). They also agree to bear their own costs and attorney's fees and ask us to issue mandate concurrently with this opinion. *See id.* R. 18.1(c); 42.1(d).

We grant the motion. We order the trial court's October 8, 2021 default judgment to be set aside without reference to the merits, and we remand the case to the trial court with instructions to render judgment in accordance with the parties' agreement. *See id.* R. 42.1(a)(2)(B). We further order all costs of this appeal to be borne by the party that incurred them. *See id.* R. 42.1(d). Finally, we order the clerk of the court to immediately issue mandate contemporaneously with the issuance of this opinion. *See id.* R. 18.1(c).

PER CURIAM