



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

**MEMORANDUM OPINION**

No. 04-22-00009-CV

**IN THE INTEREST OF D.R.B. and E.B., Children**

From the 57th Judicial District Court, Bexar County, Texas  
Trial Court No. 1988-CI-00019  
Honorable John D. Gabriel, Jr., Judge Presiding

Opinion by: Luz Elena D. Chapa, Justice

Sitting: Luz Elena D. Chapa, Justice  
Beth Watkins, Justice  
Santee Bryan Marion, Chief Justice (Ret.)<sup>1</sup>

Delivered and Filed: November 8, 2023

**MOTION TO DISMISS GRANTED; DISMISSED**

On August 1, 2023, appellant Richard Breque and appellee Erika Breque filed a Joint Motion to Stay this Appeal. In the motion, the parties requested we stay the appeal because they had reached a settlement agreement and planned to file a joint motion to dismiss the appeal once appellant had satisfied requirements set out in their agreement and an agreed order. We granted the parties' motion, withdrew the formal submission date, and ordered the parties to file either a motion to dispose of the appeal or status update by September 6, 2023. On September 6, 2023, appellee filed a status report indicating appellant was in compliance with their agreement and the agreed order, and the final requirement would be satisfied by October 27, 2023.

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<sup>1</sup> The Honorable Sandee Bryan Marion, Chief Justice (Retired) of the Fourth Court of Appeals, sitting by assignment of the Chief Justice of the Texas Supreme Court. *See* TEX. GOV'T CODE §§ 74.003, 75.002, 75.003.

On October 24, 2023, the parties filed a joint motion indicating appellant had satisfied the agreement and agreed order; they requested we dismiss the appeal with prejudice. After consideration, we reinstate this appeal on this court's docket, grant the motion, and dismiss the appeal with prejudice. *See* TEX. R. APP. P. 42.1(a)(1). Because the motion does not disclose an agreement regarding the assessment of costs, we further order all costs assessed against appellant. *See id.* R. 42.1(d) (absent agreement of the parties, costs are taxed against appellant).

Luz Elena D. Chapa, Justice