

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-18-00063-CV

**DANIEL D. CLAYTON, CITY OF BEAUMONT, BECKY AMES, JOSEPH
MAJDALANI, PAMELA DODSON, AND TROY DODSON, Appellants**

V.

OLDCASTLE MATERIALS TEXAS, INC., Appellee

**On Appeal from the 172nd District Court
Jefferson County, Texas
Trial Cause No. E-200,934**

MEMORANDUM OPINION

The City of Beaumont,¹ Mayor Becky Ames, and Dr. Joseph Majdalani, filed an agreed motion to dismiss their accelerated appeal from the denial of their motion to dismiss under the Texas Citizens Participation Act. *See* Tex. Civ. Prac. & Rem. Code Ann. § 51.014(a)(12) (West Supp. 2017). Additionally, they request that the

¹ The City of Beaumont filed a notice of appeal that included its unidentified employees, unidentified agents or unidentified representatives, and certain unidentified personnel.

stay of all proceedings in the trial court be lifted as to the City of Beaumont, Mayor Becky Ames, and Dr. Joseph Madjalani, so that the trial court may sever and dismiss the action against them in accordance with the parties' settlement agreement. *See id.* § 51.014(b). No objection has been filed.

We grant the motion and dismiss the accelerated appeal of the City of Beaumont, Mayor Becky Ames, and Dr. Joseph Majdalani. *See* Tex. R. App. P. 42.1(a)(1). The stay of all trial court proceedings is lifted as to the City of Beaumont, Mayor Becky Ames, and Dr. Joseph Majdalani. The accelerated appeal shall continue as to the remaining appellants, Daniel D. Clayton, Pamela Dodson d/b/a L.D. Construction, and Troy Dodson. *See* Tex. R. App. P. 42.1(b). The style of the appeal is modified to *Daniel D. Clayton, Pamela Dodson, and Troy Dodson v. Oldcastle Materials Texas, Inc.*

APPEAL DISMISSED IN PART.

PER CURIAM

Submitted on May 31, 2018
Opinion Delivered August 30, 2018

Before Kreger, Horton, and Johnson, JJ.