



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-11-00439-CV

EDEN COOPER, LP

APPELLANT

V.

CITY OF ARLINGTON, TEXAS;
JAMES HOLGERSSON; EDWARD
DRYDEN; SHERI CAPEHART; MEL
LEBLANC; AND KATHRYN
WILEMON

APPELLEES

FROM THE 348TH DISTRICT COURT OF TARRANT COUNTY

MEMORANDUM OPINION¹ AND JUDGMENT

We have previously issued an opinion and judgment in this appeal. *See Eden Cooper, LP v. City of Arlington*, No. 02-11-00439-CV, 2012 WL 2428481 (Tex. App.—Fort Worth June 28, 2012, no pet. h.) (mem. op.). Appellant Eden Cooper, LP filed a motion for rehearing, and we requested a response to the motion. Appellant has now filed an unopposed motion to withdraw its motion for rehearing

¹See Tex. R. App. P. 47.4.

and to dismiss the appeal. See Tex. R. App. P. 42.1(a)(1). In the motion, appellant represents that “all parties to this appeal have settled and compromised all claims between and among them.” Accordingly, we grant appellant’s motion to withdraw the motion for rehearing, withdraw our June 28, 2012 judgment, and dismiss this appeal. See Tex. R. App. P. 42.1(a)(1), 43.2(f).²

Costs of the appeal shall be paid by the party incurring the same, for which let execution issue. See Tex. R. App. P. 42.1(d), 43.4.

PER CURIAM

PANEL: LIVINGSTON, C.J.; GARDNER and GABRIEL, JJ.

DELIVERED: November 21, 2012

²Appellant has not requested that we withdraw our prior opinion in this appeal, and we decline to do so. See Tex. R. App. P. 42.1(c).