



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

**NO. 02-13-00422-CV**

KODIAK PRODUCTS CO., INC.

APPELLANT

V.

CHARLES H. DEEGEAR, JR. AND  
DEEMAXX COMPONENTS, INC.

APPELLEES

-----  
FROM THE 236TH DISTRICT COURT OF TARRANT COUNTY  
TRIAL COURT NO. 236-252084-11  
-----

**MEMORANDUM OPINION<sup>1</sup> AND JUDGMENT**

-----

We have considered the parties' first amended agreed motion for remand for rendition of judgment pursuant to rule of appellate procedure 42.1(a)(2)(B). See Tex. R. App. P. 42.1(a)(2)(B). It is the court's opinion that the motion should be and is granted. Accordingly, we withdraw our judgment dated June 4, 2015,

---

<sup>1</sup>See Tex. R. App. P. 47.4.

set aside the trial court's September 12, 2013 "Second Amended Final Judgment" without regard to the merits, and remand this case to the trial court to render judgment by signing the parties' "Agreed Final Judgment" in the form attached as Exhibit A to the parties' first amended agreed motion for remand for rendition of judgment. *See id.*

In accordance with the parties' agreement, costs of this appeal shall be paid by the party incurring same, see Tex. R. App. P. 42.1(d), and mandate shall be issued immediately, see Tex. R. App. P. 18.1(c).

"Appellees' Motion for Rehearing" and "Appellant Kodiak Products Co., Inc.'s Motion for Rehearing" are denied as moot.

/s/ Anne Gardner  
ANNE GARDNER  
JUSTICE

PANEL: DAUPHINOT, GARDNER, and WALKER, JJ.

DELIVERED: August 28, 2015