



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-19-00206-CV

BNSF RAILWAY COMPANY, Appellant

v.

TENARIS GLOBAL SERVICES U.S.A. CORPORATION AND GULF STREAM
MARINE, INC., Appellees

On Appeal from the 342nd District Court
Tarrant County, Texas
Trial Court No. 342-291054-17

Before Sudderth, C.J.; Gabriel and Bassel, JJ.
Per Curiam Memorandum Opinion

MEMORANDUM OPINION AND JUDGMENT

We have considered the parties' "Joint Motion for Voluntary Dismissal of Appeal," in which they inform us that they have reached a settlement agreement and in which they ask us to "set aside the trial court's judgment without regard to the merits and dismiss this appeal." The parties refer us to Texas Rule of Appellate Procedure 42.1(a) without specifying which subsection applies.

Accordingly, we grant the portion of the parties' motion requesting dismissal of the appeal. *See* Tex. R. App. P. 42.1(a)(1), 43.2(f). *Compare* Tex. R. App. P. 42.1(a)(1) (stating that on appellant's motion, the court may dismiss the appeal), *with* Tex. R. App. P. 42.1(a)(2)(B) (stating that in accordance with an agreement signed by the parties or their attorneys and filed with the clerk, the court may "set aside the trial court's judgment without regard to the merits and remand the case to the trial court for rendition of judgment in accordance with the agreement").

Each party will bear its own costs of appeal. *See* Tex. R. App. P. 42.1(d), 43.4.

Per Curiam

Delivered: July 2, 2020