

NO. 07-01-0090-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
OCTOBER 22, 2001

BILLY MITCHELL, D/B/A B & M SERVICE COMPANY, APPELLANT

V.

PROGRESSIVE COUNTY MUTUAL INSURANCE COMPANY, APPELLEE

FROM THE 106TH DISTRICT COURT OF GARZA COUNTY;
NO. 98-05-05412-CV; HONORABLE GEORGE H. HANSARD, JUDGE

Before BOYD, C.J., and REAVIS and JOHNSON, JJ.

From an order granting summary judgment in favor of appellee Progressive County Mutual Insurance Company, appellant Billy Mitchell, d/b/a B & M Service Company, perfected this appeal. Pending before this Court is a joint motion to dismiss the appeal by which the parties represent that they have reached an agreement to settle and compromise their differences. We grant the motion and dismiss the appeal with costs to be assessed against the party incurring them.

Without passing on the merits of the appeal, the motion is granted and the appeal is hereby dismissed. Tex. R. App. P. 42.1(a)(1). Having dismissed the appeal at the request of all parties, no motion for rehearing will be entertained and our mandate will issue forthwith.

Don H. Reavis
Justice

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