

NO. 07-01-0249-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
AUGUST 14, 2002

GREENBELT ELECTRIC COOPERATIVE, APPELLANT

V.

LYNN MILLS AND BARRY SANDERS, APPELLEE

FROM THE 31ST DISTRICT COURT OF WHEELER COUNTY;
NO. 10,372-A; HONORABLE GRAINGER W. McILHANY, JUDGE

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

ON AGREED MOTION TO DISMISS

On original submission, we affirmed a judgment in favor of appellees Lynn Mills and Barry Sanders. Appellant Greenbelt Electric Cooperative then filed a motion for rehearing. While that motion was pending, the parties reached a settlement and have now filed an

agreed motion to dismiss with prejudice. We withdraw our original opinion and judgment of March 20, 2002 and, in lieu thereof, grant the motion to dismiss the appeal.

Without passing on the merits of the case, the appeal is hereby dismissed with prejudice. Tex. R. App. P. 42.1(a). Having dismissed the appeal at the request of both parties, no further motion for rehearing will be entertained and our mandate will issue forthwith. Pursuant to the motion, all costs are to be assessed against the party incurring them. Our dismissal of the case renders the pending motion for rehearing moot.

Don H. Reavis
Justice

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