

NO. 07-02-0042-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
APRIL 24, 2002

ATHENA ENERGY, INC., APPELLANT

V.

WESTAR EXPLORATION AND PRODUCTION COMPANY, APPELLEE

FROM THE 31ST DISTRICT COURT OF ROBERTS COUNTY;
NO. 1768; HONORABLE STEVEN R. EMMERT, JUDGE

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

On April 19, 2002, the appellant filed a Motion to Dismiss averring that it no longer desires to pursue the appeal. Counsel for appellant indicated that appellee has no opposition to the dismissal.

Without passing on the merits of the case, the appellant's Motion to Dismiss is granted and the appeal is hereby dismissed. Tex. R. App. P. 42.1(a)(1). No order pertaining to costs is hereby made as all costs have been paid. Having dismissed the

appeal at the appellant's request and the appellee is not opposed to such a request, no motion for rehearing will be entertained and our mandate will issue forthwith.

Phil Johnson
Justice

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