

NO. 07-04-0310-CV  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL A  
JULY 7, 2004

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NOBLE CONSTRUCTION EQUIPMENT, INC. AND  
QUANTUM CONSTRUCTION EQUIPMENT, LLC, APPELLANTS

V.

EAGLE-PICHER INDUSTRIES, INC., APPELLEE

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FROM THE 99TH DISTRICT COURT OF LUBBOCK COUNTY;  
NO. 2003-521-935; HONORABLE MACKEY HANCOCK, JUDGE

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

### **MEMORANDUM OPINION**

Appellants Noble Construction Equipment, Inc. and Quantum Construction Equipment, LLC perfected this appeal from the trial court's judgment in favor of appellee Eagle-Picher Industries, Inc. Pending before this Court is appellants' unopposed motion to dismiss this appeal by which they represent the parties have reached an agreement.

Without passing on the merits of the case, pursuant to Rule 42.1(a)(1) of the Texas Rules of Appellate Procedure we grant the motion and dismiss the appeal. Having dismissed the appeal at the request of appellants no motion for rehearing will be entertained and our mandate will issue forthwith.

Don H. Reavis  
Justice