

NO. 07-04-0562-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
DECEMBER 21, 2004

CITY OF AMARILLO, APPELLANT

V.

NANCY ASHTON, APPELLEE

FROM THE 47TH DISTRICT COURT OF POTTER COUNTY;
NO. 54,036-A; HONORABLE HAL MINER, JUDGE

Before QUINN and REAVIS and CAMPBELL, JJ.

MEMORANDUM OPINION

Pursuant to section 51.014(a)(8) of the Texas Civil Practice and Remedies Code, appellant, the City of Amarillo, filed an accelerated notice of appeal from an interlocutory order dismissing its first amended motion to dismiss for lack of jurisdiction the suit for personal injuries brought by appellee Nancy Ashton. Pending before this Court is a joint

motion to dismiss the accelerated appeal in which the parties represent they have settled the matter.

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

Don H. Reavis
Justice