

NO. 07-08-0490-CV  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL B  
APRIL 29, 2009

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CERTAIN PRIMARY UNDERWRITERS AT LLOYD'S,  
LONDON OF M.E.C. &/OR MOBILE EXPRESS CORPORATION AND  
CERTAIN EXCESS UNDERWRITERS AT LLOYD'S, LONDON  
OF M.E.C. &/OR MOBILE EXPRESS CORPORATION , APPELLANTS

V.

HERRING BANK F/K/A HERRING NATIONAL BANK, APPELLEE

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FROM THE 181ST DISTRICT COURT OF POTTER COUNTY;

NO. 93,282-B; HONORABLE JOHN B. BOARD, JUDGE

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Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

**ON MOTION TO DISMISS**

On April 27, 2009, appellants Certain Primary Underwriters at Lloyd's, London of M.E.C. &/or Mobile Express Corporation and Certain Excess Underwriters at Lloyd's, London of M.E.C. &/or Mobile Express Corporation filed a motion to dismiss their appeal. According to the motion, the parties reached a settlement. In the motion, counsel for appellants states that he conferred with counsel for appellee and counsel for appellee does not oppose the motion. Appellants further request taxation of appellate costs against them.

The motion to dismiss is granted and the appeal is dismissed. Tex. R. App. P. 42.1(a)(1). Costs of the appeal are taxed against appellants.

Having dismissed the appeal at appellants' request, we will not entertain a motion for rehearing and our mandate will issue forthwith.

James T. Campbell  
Justice