

NO. 07-11-0394-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL C
JANUARY 26, 2012

TEXAS MUTUAL INSURANCE COMPANY, APPELLANT

V.

CHRIS MCCALL, APPELLEE

FROM THE 237TH DISTRICT COURT OF LUBBOCK COUNTY;
NO. 2008-544,251; HONORABLE LES HATCH, JUDGE

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

MEMORANDUM OPINION

Pending before this Court is Texas Mutual Insurance Company's *Motion to Dismiss Appeal* in which it represents it no longer wishes to pursue this appeal. The Certificate of Conference reflects that Appellee, Chris McCall, is not opposed to the motion. Without passing on the merits of the case, the motion is granted and the appeal is hereby dismissed. Tex. R. App. P. 42.1(a)(1). Having dismissed the appeal at the request of Texas Mutual Insurance Company, no motion for rehearing will be

entertained and our mandate will issue forthwith. There being no agreement in the motion regarding costs, pursuant to Rule 42.1(d) of the Texas Rules of Appellate Procedure, all costs are taxed against Texas Mutual Insurance Company.

Patrick A. Pirtle
Justice