



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-14-00168-CV

DAVID V. GOSS, APPELLANT

V.

NICHOLAS BELL, APPELLEE

On Appeal from the 97th District Court
Montague County, Texas
Trial Court No. 2014-0113M-CV, Honorable Jack A. McGaughey, Presiding

August 29, 2014

MEMORANDUM OPINION

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

Appellant David V. Goss and appellee Nicholas Bell filed a joint motion on July 1, 2014, requesting we remand the case to the trial court to effect the terms of a settlement agreement. See TEX. R. APP. P. 42.1(a)(2)(C). By order of July 11, we abated the appeal and remanded the case to the trial court for the purpose requested. We established September 3, 2014, as the deadline for the parties to complete all necessary matters in the trial court and seek dismissal of the appeal or jointly report to this court.

On August 27, counsel for Goss filed a letter stating the case was “fully resolved” in the trial court. Counsel requested we dismiss the appeal and tax Goss with appellate costs. Enclosed with the letter was a copy of an agreed final judgment in the underlying case signed by the trial court on August 14. We have treated counsel’s letter as a motion for voluntary dismissal. See TEX. R. APP. P. 42.1(a)(1).

As no decision of the court has been delivered to date we reinstate the appeal, dissolve the abatement, and grant Goss’s motion to dismiss. The appeal is dismissed. No motion for rehearing will be entertained and our mandate will issue forthwith. See TEX. R. APP. P. 42.1(a)(1). As requested, appellate costs are taxed against Goss.

James T. Campbell
Justice