



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-09-00100-CV

TEXAS KENWORTH CO., D/B/A MHC KENWORTH, Appellant

V.

LODI DRILLING & SERVICE CO., Appellee

On Appeal from the 115th Judicial District Court
Marion County, Texas
Trial Court No. 0900041

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Carter

MEMORANDUM OPINION

Appellant, Texas Kenworth Co., d/b/a MHC Kenworth, has filed with this Court a motion to dismiss the pending appeal in this matter. Appellant represents to this Court that the parties have reached a full and final settlement. In such a case, no real controversy exists, and in the absence of a controversy, the appeal is moot.

We grant the motion and dismiss this appeal.

Jack Carter
Justice

Date Submitted: December 1, 2009
Date Decided: December 2, 2009