



IN THE  
TENTH COURT OF APPEALS

---

No. 10-18-00383-CV

FLORIDA METAL PRODUCTS, INC.  
AND FLAMCO OF TEXAS, INC.,

Appellants

v.

DANNY KREDER,

Appellee

---

From the 170th District Court  
McLennan County, Texas  
Trial Court No. 2018-2088-4

---

---

MEMORANDUM OPINION

---

---

We decided this appeal in an opinion issued on October 14, 2020. *See Fla. Metal Prods., Inc. v. Kreder*, No. 10-18-00383-CV, 2020 Tex. App. LEXIS 8163 (Tex. App.—Waco Oct. 14, 2020, no pet. h.) (mem. op.). The parties have since filed an agreed motion to dismiss this appeal.

Texas Rule of Appellate Procedure 42.1(a)(1) provides that: “In accordance with a motion of appellant, the [appellate] court may dismiss the appeal or affirm the appealed

judgment or order unless such disposition would prevent a party from seeking relief to which it would otherwise be entitled.” TEX. R. APP. P. 42.1(a)(1). The parties state that they have settled their dispute and, pursuant to their settlement agreement, ask this Court to dismiss this appeal “without any impact on the Court’s previously-issued opinion, and that each party be ordered to incur its own costs of appeal.”

After review, we withdraw our prior judgment dated October 14, 2020, and substitute in its place a judgment dismissing this appeal. Furthermore, when considering the agreed motion to dismiss this appeal, which was filed after we issued our opinion in this matter, Texas Rule of Appellate Procedure 42.1(c) requires us to determine whether we will withdraw the opinion. *Id.* at R. 42.1(c). Upon further consideration, we will not withdraw our opinion. Finally, in accordance with the parties’ motion, costs are taxed against the party incurring same.

JOHN E. NEILL  
Justice

Before Chief Justice Gray  
Justice Davis, and  
Justice Neill  
Appeal dismissed  
Opinion delivered and filed December 2, 2020  
[CV06]

