



**IN THE
TENTH COURT OF APPEALS**

No. 10-19-00052-CV

GABRIEL GARCIA,

Appellant

v.

MARGARET MEECE,

Appellee

**From the 272nd District Court
Brazos County, Texas
Trial Court No. 18-003225-CV-272**

MEMORANDUM OPINION

Appellant, Gabriel Garcia, and Appellee, Margaret Meece, filed a joint motion to dismiss the suit in the trial court and dismiss this appeal. The parties have reached an agreement to settle their differences in the underlying proceeding.

We have no authority to dismiss the suit in the trial court and dismiss the appeal. We have the authority, however, to vacate the trial court's judgment and dismiss the case

by agreement of the parties. See TEX. R. APP. P. 42.1 (a) (2) (A); 43.2 (e); *Young Materials Corp. v. Smith*, 4 S.W.3d 84 (Tex. App. —Waco 1999, no pet.).

Accordingly, the joint motion to dismiss with prejudice is granted to the extent authorized. The trial court's Order signed on February 5, 2019 is vacated, and the case is dismissed with prejudice. See TEX. R. APP. P. 42.1 (a) (2) (A); 43.2 (e). Because the Court was unable to grant the entirety of the parties' motion, the Court has endeavored to implement the substance of the parties' agreed motion to achieve the same result. If the parties determine that the judgment of the Court does not accomplish the parties' intended result, a timely motion for rehearing must be filed which addresses the manner in which the Court can implement the agreement of the parties within the limitations of the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 42.1; 49.1.

JOHN E. NEILL
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Neill
Motion granted; appeal dismissed
Opinion delivered and filed April 8, 2020
[CV06]

