

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-03-00631-CV**

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**Texas Disposal Systems Landfill, Inc., Appellant**

**v.**

**Waste Management Holdings, Inc. (f/k/a Waste Management, Inc.) and Waste  
Management of Texas, Inc., Appellees**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 126TH JUDICIAL DISTRICT  
NO. 97-12163, HONORABLE PAUL DAVIS, JUDGE PRESIDING**

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**CONCURRING OPINION**

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I concur in the judgment only. *See* Tex. R. App. P. 47.5.

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Bob Pemberton, Justice

Before Chief Justice Law, Justices B.A. Smith and Pemberton

Filed: June 23, 2005