

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

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**NO. 03-08-00379-CV**

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**Michelle Leigh Conkle, Appellant**

**v.**

**Benjamin R. Barnes; Rachelle Chery, AutoNation, Inc.; RI/RMT Acquisition, Ltd.;  
and RI/RMT Acquisition GP, Appellees**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 250TH JUDICIAL DISTRICT  
NO. D-1-GN-06-003373, HONORABLE JON N. WISSER, JUDGE PRESIDING**

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**ORDER**

Appellant Michelle Leigh Conkle and appellees Benjamin R. Barnes, Rachelle Chery, AutoNation, Inc., RI/RMT Acquisition, Ltd., and RI/RMT Acquisition GP have filed an agreed motion requesting that Barnes be dismissed as an appellee on the basis that he was non-suited at trial and is no longer a party to this litigation. *See* Tex. R. App. P. 42.1. Accordingly, we grant the motion and dismiss Barnes as an appellee. Cause number 03-08-00379-CV will proceed with the remaining parties, styled *Michelle Leigh Conkle v. Rachelle Chery; AutoNation, Inc.; RI/RMT Acquisition, Ltd.; and RI/RMT Acquisition GP*.

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Diane M. Henson, Justice

Before Justices Patterson, Waldrop and Henson

Filed: October 17, 2008