

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-12-00677-CV

Office of the Attorney General of Texas, Appellant

v.

Charles Trask Dix, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 353RD JUDICIAL DISTRICT
NO. D-1-AG-12-000271, HONORABLE RHONDA HURLEY, JUDGE PRESIDING**

MEMORANDUM OPINION

The Office of the Attorney General of Texas (OAG) filed a notice of appeal from the district court's order of June 8, 2012, granting summary judgment in favor of appellee Charles Trask Dix. OAG has now filed an agreed motion to set aside the judgment. In the motion, OAG represents that "[s]ince the filing of the notice of appeal, the parties have reached an agreement in the cause and have filed an agreed order with the trial court." OAG asks that we set aside the district court's judgment without regard to the merits and remand the cause to the district court with instructions to render a judgment in accordance with the parties' agreement, as we are authorized to do pursuant to Texas Rule of Appellate Procedure 42.1(a)(2)(B). The motion contains a certificate of conference verifying that the attorney for OAG has conferred with the attorney for Dix and that the attorney for Dix agrees to this motion. The agreed order, a copy of which is attached to the motion, has been signed by both parties.

We grant the motion, set aside the district court's judgment without regard to the merits, and remand the cause to the district court for rendition of judgment in accordance with the parties' agreement. *See* Tex. R. App. P. 42.1(a)(2)(B).

Bob Pemberton, Justice

Before Justices Puryear, Pemberton and Rose

Vacated and Remanded

Filed: January 25, 2013