

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

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**ON MOTION FOR REHEARING**

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**NO. 03-13-00081-CV**

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**Twenty First Century Holdings, Inc. d/b/a American Geothermal Systems, Inc.;  
Victor DeMarco; and N. West Short, Appellants**

**v.**

**Precision Geothermal Drilling, L.L.C., Appellee**

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**FROM THE COUNTY COURT AT LAW NO. 2 OF TRAVIS COUNTY,  
NO. C-1-CV-12-12503, HONORABLE ERIC SHEPPERD, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

On April 23, 2015, a panel of this Court issued its opinion and judgment in this appeal. Appellants then filed a motion for rehearing. While the motion was pending, appellants filed an agreed motion to dismiss based on the parties' settlement of this case.

The motion to dismiss is granted. This Court's judgment of April 23, 2015, is vacated, and the appeal is dismissed. *See* Tex. R. App. P. 42.1(a)(1). In accordance with the agreement of the parties, costs will be taxed against the party incurring same. *See id.* 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant."). Appellants' motion for rehearing is dismissed as moot. Pursuant to Rule 42.1(c), this Court's opinion issued on April 23, 2015, is not withdrawn. *See id.* 42.1(c).

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Melissa Goodwin, Justice

Before Chief Justice Rose, Justices Puryear and Goodwin

Dismissed on Appellants' Motion

Filed: August 28, 2015