



NUMBER 13-03-00267-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

**CITGO REFINING AND MARKETING, INC.
AND CITGO PETROLEUM CORPORATION,**

Appellants,

v.

AMELIA GARZA, ET AL.,

Appellees.

**On appeal from the 28th District Court
of Nueces County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Yañez and Benavides¹
Memorandum Opinion Per Curiam**

Appellants and appellees have filed a joint motion to dismiss this appeal. On March 23, 2006, this Court issued an opinion reversing the trial court's judgment and remanding

¹ This matter was originally assigned to a panel consisting of Justices Hinojosa, Yañez, and Castillo. The Honorable Federico Hinojosa and the Honorable Errlinda Castillo, former Justices of this Court, did not participate in this memorandum opinion because their terms of office expired on December 31, 2006.

the case for further proceedings. See *Citgo Ref. & Mktg. v. Garza*, 187 S.W.3d 45, 65-66 (Tex. App.–Corpus Christi 2006, pet. dismissed). The parties subsequently filed cross-petitions for review with the Texas Supreme Court, which were ultimately abated and dismissed because the parties negotiated and secured a settlement.

Because of the parties' settlement of this case, appellants and appellees request that the Court now dismiss this appeal and issue mandate accordingly.

The Court, having considered the documents on file and the joint motion to dismiss the appeal, is of the opinion that the motion should be granted. See TEX. R. APP. P. 42.1(a). The joint motion to dismiss is granted, and the appeal is hereby DISMISSED. Pursuant to 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."). Our mandate will issue forthwith reflecting the dismissal of the appeal as stated herein. Pursuant to Rule 42.1(c), our opinion previously issued on March 23, 2006, is not withdrawn. See *id.* 42.1(c).

PER CURIAM

Memorandum Opinion delivered and
filed this the 14th day of August, 2008.