



NUMBER 13-09-00209-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

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GREGORY A. BEAVERS, ET AL.,

Appellants,

v.

SOUTHWESTERN REFINING COMPANY, INC.,

Appellee.

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On appeal from the 347th District Court  
of Nueces County, Texas.

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## MEMORANDUM OPINION

Before Justices Rodriguez, Vela, and Perkes  
Memorandum Opinion Per Curiam

This appeal was abated by this Court on April 23, 2009, due to the bankruptcy of one of the parties to this appeal. See 11 U.S.C. § 362; see *generally* TEX. R. APP. P. 8. The parties have filed an agreed motion to dismiss with prejudice all claims asserted by parties against Southwestern Refining Company, Inc. The parties request that this Court

dismiss with prejudice all claims asserted by the parties against Southwestern Refining Company, Inc. Accordingly, this case is hereby REINSTATED.

The Court, having considered the documents on file and the agreed motion to dismiss with prejudice, is of the opinion that the motion should be granted. See TEX. R. APP. P. 42.1(a). The agreed motion to dismiss is granted, and the appeal of all claims asserted by the parties against Southwestern Refining Company, Inc., is hereby DISMISSED WITH PREJUDICE.

In accordance with the agreement of the parties, costs are taxed against the party incurring same. See TEX. R. APP. P. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant."). Having dismissed the appeal at appellant's request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

PER CURIAM

Delivered and filed the 20th  
day of October, 2011.