



**NUMBER 13-09-00272-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**LEONARD SIMMONS, ANITA SIMMONS BOSWELL,  
CECIL R. SIMMONS, AND MICHAEL SCOTT,**

**Appellants,**

**v.**

**ROBERT DUNKIN,**

**Appellee.**

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**On appeal from the 103rd District Court  
of Cameron County, Texas.**

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**MEMORANDUM OPINION**

**Before Justices Yañez, Benavides, and Vela  
Memorandum Opinion Per Curiam**

Appellants, Leonard Simmons, Anita Simmons Boswell, Cecil R. Simmons, and Michael Scott, perfected an appeal from a judgment entered by the 103rd District Court of Cameron County, Texas, in cause number 2009-02-1190-D. The parties have filed a joint motion to dismiss the appeal on grounds that the controversy made the basis of this

cause has been settlement by agreement between the parties. The parties request that this Court dismiss the appeal and tax costs against the party or parties by whom such costs were incurred.

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. 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 the parties' request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

PER CURIAM

Delivered and filed the  
15th day of July, 2010.