



**NUMBER 13-10-00338-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**MARIE PECORE AND DANIEL PECORE,**

**Appellants,**

**v.**

**RADIOLOGY ASSOCIATES, LLP,**

**Appellee.**

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**On Appeal from the 105th District Court  
of Nueces County, Texas.**

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**MEMORANDUM OPINION**

**Before Chief Justice Valdez and Justices Rodriguez and Garza  
Memorandum Opinion Per Curiam**

Appellants, Marie Pecore and Daniel Pecore, filed an appeal from a judgment entered by the 105th District Court of Nueces County, Texas, in cause number 09-167-D. Appellants have filed an "Appellants' Notice of Nonsuit as to all Defendants." Appellants request that this Court dismiss the appeal without prejudice.

The Court, having considered the documents on file and appellants' motion to dismiss the appeal, is of the opinion that the motion should be granted. See TEX. R. APP. P. 42.1(a). Appellants' motion to dismiss is granted, and the appeal is hereby DISMISSED WITHOUT 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 appellants' request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

PER CURIAM

Delivered and filed the  
14th day of July, 2011.