



NUMBER 13-19-00112-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

PIONEER NATURAL RESOURCES USA, INC.,

Appellant,

v.

WINFORD A. MATTHEW ET AL.,

Appellees.

**On appeal from the 135th District Court
of De Witt County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Contreras and Justices Hinojosa and Tijerina
Memorandum Opinion by Justice Hinojosa**

Appellant Pioneer Natural Resources USA, Inc. and appellees Winford A. Matthew, Earl B. Matthew, Roberta M. Wiedeman, Trustee of Roberta Matthew Wiedeman Living Trust, Terri Lynn Matthew, Trustee of Terri Lynn Matthew 2006 Revocable Trust, Katherine McMurrey, Dorothy Rickey, Patricia Diane Karl Lindemann, Annalyn Karl, Trustee of Credit Shelter Trust under Last Will and Testament of Richard

Karl, William Terry Kuester, Carol Ann Kuester Moore, Jennifer K. Cooper, and C. T. Matthew Family Partnership II d/b/a Matthew Sisters Cattle Co. II (by and through its general partners Lisa Ann Matthew Fowler, Holly Jo Matthew Dyes, and Amy Beth Matthew Federick), have filed an “Agreed Motion for Voluntary Dismissal and to Vacate.” See TEX. R. APP. P. 42.1(a)(2). According to the agreed motion, the parties have entered into a settlement agreement rendering this appeal moot.

Pursuant to the settlement agreement, the parties to this appeal request that we: (1) vacate the Order on Plaintiffs’ Motion to Compel and for Discovery Abuse Sanctions, signed on January 9, 2018; (2) vacate the Order Granting Plaintiffs’ Partial Summary Judgment, signed on September 26, 2018; (3) vacate the Order Denying Defendant’s Motions for Summary Judgment, signed September 26, 2018, filed October 1, 2018; (4) vacate the Final Judgment, filed February 14, 2019; and (5) dismiss this appeal as moot.

We grant the “Agreed Motion for Voluntary Dismissal and to Vacate.” We vacate the foregoing designated orders and final judgment, without regard to their merits, and we dismiss the appeal as moot. See TEX. R. APP. P. 42.1(a); *id.* R. 43.2; *Rosemond v. El Paso Healthcare Sys., Ltd.*, 225 S.W.3d 157, 158 (Tex. App.—El Paso 2005, no pet.); see also *McClellan v. Johnson City Hous. Auth.*, No. 03-19-00190-CV, 2019 WL 3242632, at *1 (Tex. App.—Austin July 19, 2019, no pet.) (mem. op.); *United Specialty Ins. Co. v. Cantu*, 04-18-00746-CV, 2019 WL 938288, at *1 (Tex. App.—San Antonio Feb. 27, 2019, no pet.) (mem. op.); *Laboy v. Keppel Amfels, LLC*, No. 13-17-00575-CV, 2018 WL 6581738, at *1 (Tex. App.—Corpus Christi Dec. 13, 2018, no pet.) (mem. op.). Costs will be taxed against appellant. 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.

LETICIA HINOJOSA
Justice

Delivered and filed the
5th day of September, 2019.