



**NUMBER 13-17-00313-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**AMY O'BRIEN GLENN,**

**Appellant,**

**v.**

**VINCENT L. FREEMAN JR.,**

**Appellee.**

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

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**MEMORANDUM OPINION**

**Before Justices Benavides, Perkes, and Tijerina  
Memorandum Opinion by Justice Benavides**

This case is before the Court on an amended joint motion to dismiss appeal and accelerate mandate. The joint motion indicates that all the parties have reached an agreement to settle and compromise their differences. Previously, on September 12, 2017, appellant filed a Notice of Bankruptcy, and on September 13, 2017 this Court ordered the matter abated. The parties asked the Court to dismiss the appeal, to set aside

the trial court's judgment without regard to the merits and to remand the case to the trial court for rendition of the judgment in accordance with the parties' agreement. On April 23, 2020, the Court dismissed the case, but the dismissal did not set aside the trial court's judgment without regard to the merits and remand the case to the trial court.

Additionally, the parties requests that mandate be issued concurrently with our opinion and judgment. Rule of Appellate Procedure 18.1(c) authorizes the early issuance of mandate on a motion of the parties. Tex. R. App. P. 18.1(c).

Accordingly, the Court REINSTATES the appeal and GRANTS the joint amended motion to dismiss, WITHDRAWS its judgment and opinion issued April 23, 2020. The appeal is hereby DISMISSED, setting aside the trial court judgment and REMANDS to the trial court for rendition of judgment in accordance with parties' agreement.

Pursuant to the parties' agreement, costs will be taxed against the party incurring the same. See TEX. R. APP. P. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant.").

Finally, The Court GRANTS the parties' joint motion to issue mandate and directs the Clerk of the Court to issue the mandate immediately. Any pending motions are dismissed as moot.

GINA M. BENAVIDES,  
Justice

Delivered and filed the  
11th day of June, 2020.