

**NO. 12-08-00271-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***JOSUE MARES SEPADA AND  
TRIMAC TRANSPORTATION, INC.  
(f/k/a LIQUID TRANSPORTERS, INC.),  
APPELLANTS***

§ ***APPEAL FROM THE 159TH***

***V.***

§ ***JUDICIAL DISTRICT COURT OF***

***MICHAEL EARL BARNES,  
APPELLEE***

§ ***ANGELINA COUNTY, TEXAS***

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***MEMORANDUM OPINION  
PER CURIAM***

The parties filed a joint motion in which they represented that the underlying dispute has been resolved. In their motion, they requested that this appeal be dismissed with prejudice upon notification from the parties that the actions necessary to their settlement have occurred. In their subsequent notification, they request that we direct the trial court to unconditionally release the supersedeas bond and “extinguish” the judgment.

An intermediate court of appeals is authorized to vacate the trial court’s judgment and dismiss the underlying case. *See* TEX. R. APP. P. 43.2(e). Moreover, we may also dispose of an appeal pursuant to an agreement of the parties. *See* TEX. R. APP. P. 42.1(a)(2). Accordingly, we grant the parties’ motion. As agreed by the parties, without consideration of the merits, we vacate the trial court’s judgment dated April 1, 2008 and dismiss the case. The District Clerk of Angelina County is ordered to release the supersedeas bond filed in connection with this appeal. Costs are taxed against the parties who incurred them.

Opinion delivered May 29, 2009.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(PUBLISH)