

NO. 12-16-00221-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

*K & B TRANSPORTATION, INC.,
APPELLANT*

§ *APPEAL FROM THE 145TH*

V.

§ *JUDICIAL DISTRICT COURT*

*VENANCIO TOLEDO,
APPELLEE*

§ *NACOGDOCHES COUNTY, TEXAS*
§

*MEMORANDUM OPINION
PER CURIAM*

The parties have filed an agreed joint motion to vacate and render judgment effectuating their settlement agreement. *See* TEX. R. APP. P. 42.1(a)(2)(A). A copy of the parties' agreement is attached to the motion, and the motion has been signed by the attorneys for the parties. Because the parties have met the requirements of Rule 42.1(a)(2), the motion is **granted**, the judgment of the trial court is vacated without regard to its merits, and the cause is **dismissed with prejudice**. *See id.* Each party has agreed to bear its own attorney's fees, costs, and expenses.

Opinion delivered September 14, 2016.

Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

SEPTEMBER 14, 2016

NO. 12-16-00221-CV

K & B TRANSPORTATION, INC.,
Appellant
V.
VENANCIO TOLEDO,
Appellee

Appeal from the 145th District Court
of Nacogdoches County, Texas (Tr.Ct.No. C1329055)

THIS CAUSE came to be heard on the appellate record and the Appellant's motion to dismiss the appeal herein with prejudice; and the same being considered, it is the opinion of this court same should be **granted**.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed with prejudice** and that all costs of this appeal be, and the same are, adjudged against the party that incurred them; for which execution may issue; and that this decision be certified to the court below for observance.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.