

NO. 12-18-00339-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***BRYAN POWER GENERATION
SOLUTIONS GROUP, LLC,
APPELLANT***

§ ***APPEAL FROM THE***

V.

§ ***COUNTY COURT AT LAW NO. 2***

***GENESIS ENDEAVORS, LLC.,
APPELLEE***

§ ***GREGG COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

Appellant, Bryan Power Generation Solutions Group, L.L.C., and Appellee, Genesis Endeavors, L.L.C., filed a joint motion to dismiss this appeal, which states that the matter has been resolved by agreement. The parties ask that this Court vacate the final judgment by default signed on June 12, 2018, dismiss the case in its entirety, order that all costs of appeal be borne by the party incurring same, and order that this Court's mandate issue immediately.

Texas Rule of Appellate Procedure 42.1 sets forth the actions that this Court may take in accordance with an agreement signed by the parties or their attorneys and filed with the clerk. TEX. R. APP. P. 42.1(a)(2). We may: (A) render judgment effectuating the parties' agreement; (B) set aside the trial court's judgment without regard to the merits and remand the case to the trial court for rendition of judgment in accordance with the agreement; or (C) abate the appeal and permit proceedings in the trial court to effectuate the agreement. TEX. R. APP. P. 42.1(a)(2).

Accordingly, we ***grant*** the agreed motion to dismiss. We ***render*** judgment ***setting aside*** the trial court's June 12, 2018 default judgment without regard to the merits. *See* TEX. R. APP. P. 42.1(a)(2)(A)-(B). We ***remand*** the case to the trial court for rendition of judgment in accordance with the parties' agreement. *See id.* In accordance with the parties' agreement, costs on appeal

are taxed against the party incurring same, and the mandate shall issue immediately. *See* TEX. R. APP. P. 18.1(c).

Opinion delivered March 12, 2019.

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

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

MARCH 12, 2019

NO. 12-18-00339-CV

BRYAN POWER GENERATION SOLUTIONS GROUP, LLC,

Appellant

V.

GENESIS ENDEAVORS, LLC.,

Appellee

Appeal from the County Court at Law No 2
of Gregg County, Texas (Tr.Ct.No. 2018-909-CCL2)

THIS CAUSE came on to be heard on the agreed motion of the Appellant and Appellee to dismiss, and the same being considered, it is hereby ORDERED, ADJUDGED and DECREED by this Court that the motion be **granted**; judgment is **rendered** setting aside the trial court's June 12, 2018 judgment without regard to the merits; the cause is **remanded** to the trial court for rendition of judgment in accordance with the parties' settlement agreement, and that the decision be certified to the court below for observance.

By *per curiam* opinion.

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