

NO. 12-19-00193-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***JEREMY HERNDON AND
TENACIOUS TORQUE, LLC,
APPELLANTS***

§ ***APPEAL FROM THE 7TH***

V.

***TROJAN TUBULAR SERVICES, LLC
AND NORTH AMERICAN TUBULAR
SERVICES, LLC,
APPELLEES***

§ ***JUDICIAL DISTRICT COURT***

§ ***SMITH COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

Appellants, Jeremy Herndon and Tenacious Torque, L.L.C., and Appellees, Trojan Tubular Services, L.L.C. and North American Tubular Services, L.L.C., filed a joint motion to dismiss this interlocutory appeal, which states that all matters involved in the appeal have been resolved by agreement. The parties ask that this Court dismiss this appeal and remand the case to the trial court for rendition of judgment in accordance with the parties' agreement.

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 joint motion to dismiss. *See* TEX. R. APP. P. 42.1(a)(2). As this case involves an interlocutory appeal from orders denying motions to dismiss pursuant to Chapter 27 of the Texas Civil Practice and Remedies Code, as opposed to a judgment on the merits, we

remand the case to the trial court for rendition of judgment in accordance with the parties' agreement.

Opinion delivered September 27, 2019.

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

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

SEPTEMBER 27, 2019

NO. 12-19-00193-CV

JEREMY HERNDON AND TENACIOUS TORQUE, LLC,

Appellants

V.

**TROJAN TUBULAR SERVICES, LLC AND
NORTH AMERICAN TUBULAR SERVICES, LLC,**

Appellees

Appeal from the 7th District Court
of Smith County, Texas (Tr.Ct.No. 19-0816-A)

THIS CAUSE came on to be heard on the joint motion of the Appellants and Appellees to dismiss, and the same being considered, it is hereby ORDERED, ADJUDGED and DECREED by this Court that the motion be **granted**; 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.