

Opinion issued July 9, 2020



In The
Court of Appeals
For The
First District of Texas

NO. 01-19-00008-CV

CROSSROADS HOSPICE, INC., Appellant

V.

**FC COMPASSUS, LLC, CLP REGENCY OF TEXAS, LLC D/B/A
HOSPICE COMPASSUS, AND ASPERION HOSPICE OF HOUSTON, LP
D/B/A HOSPICE COMPASSUS—THE WOODLANDS, Appellees**

**On Appeal from the 234th District Court
Harris County, Texas
Trial Court Case No. 2018-45292**

SUPPLEMENTAL MEMORANDUM OPINION

We issued an opinion in this case reversing and remanding the interlocutory order of the trial court on March 17, 2020. On July 1, 2020, the parties filed a joint notice of settlement and agreed motion to dismiss the appeal advising the Court that

the parties have settled all disputes at issue in the case and requesting that we dismiss the appeal and order each party to bear its own fees and costs as agreed upon by the parties. *See* TEX. R. APP. P. 42.1(a)(2)(A) (providing that appellate court may dispose of appeal in accordance with agreement signed by parties or their attorneys), (d) (providing that appellate court will tax costs against appellant absent agreement of parties).

Accordingly, we **grant** the parties’ agreed motion to dismiss appeal, and we **vacate** our March 17, 2020 judgment, **dismiss** the appeal, and **order** the parties to bear their own costs and attorney’s fees as agreed upon by the parties. The parties have not requested that we withdraw our March 17, 2020 opinion, and we decline to do so. *See* TEX. R. APP. P. 42. 1(c) (“In dismissing a proceeding, the appellate court will determine whether to withdraw any opinion it has already issued. An agreement or motion for dismissal cannot be conditioned on withdrawal of the opinion.”); *Houston Cable TV, Inc. v. Inwood W. Civic Ass’n*, 860 S.W.2d 72, 73 (Tex. 1993) (per curiam) (“A settlement does not automatically require the vacating of a court of appeals’ opinion—either by this court or by the intermediate appellate court.”).

Russell Lloyd
Justice

Panel consists of Justices Lloyd, Goodman, and Landau.