

Set Aside Judgment and Remand; Opinion Filed January 28, 2021



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-19-01575-CV

**BBA AVIATION USA, INC., SIGNATURE FLIGHT SUPPORT
CORPORATION, AND PIEDMONT HAWTHORNE AVIATION, LLC
D/B/A SIGNATURE FLIGHT SUPPORT, Appellants**

V.

SUNWEST AERO, LLC, Appellee

**On Appeal from the 193rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-19-05384**

MEMORANDUM OPINION

Before Justices Molberg, Reichel, and Nowell
Opinion by Justice Nowell

This appeal was submitted on January 26, 2021. Before the Court issued an opinion, the parties filed a “Notice of Settlement and Agreed Motion to Set Aside Trial Court’s Judgment.” In the agreed motion, the parties requested that, pursuant to Texas Rule of Appellate Procedure 42.1(a)(2)(B), we set aside the trial court’s judgment without regard to the merits and remand the case to the trial court for rendition of judgment and dismissal with prejudice.

We grant the motion. We set aside the trial court's October 3, 2019 final judgment without regard to the merits and remand the case to the trial court for rendition of judgment and dismissal with prejudice. *See* TEX. R. APP. P. 42.1(a)(2)(B).

/Erin A. Nowell/
ERIN A. NOWELL
JUSTICE

191575F.P05



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

BBA AVIATION USA, INC.,
SIGNATURE FLIGHT SUPPORT
CORPORATION, AND
PIEDMONT HAWTHORNE
AVIATION, LLC D/B/A
SIGNATURE FLIGHT SUPPORT,
Appellants

On Appeal from the 193rd Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DC-19-05384.
Opinion delivered by Justice Nowell.
Justices Molberg and Reichel
participating.

No. 05-19-01575-CV V.

SUNWEST AERO, LLC, Appellee

In accordance with this Court's opinion of this date, we **SET ASIDE** the judgment of the trial court without regard to the merits and **REMAND** the case to the trial court for entry of judgment and dismissal with prejudice.

As agreed by the parties, we **ORDER** each party bear its own costs of this appeal.

Judgment entered this 28th day of January, 2021.