

Not Reported in S.W.3d

Not Reported in S.W.3d, 2004 WL 797805 (Tex.App.-Hous. (1 Dist.))

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SEE TX R RAP RULE 47.2 FOR DESIGNATION AND SIGNING OF OPINIONS.**MEMORANDUM OPINION**

Court of Appeals of Texas,Houston (1st Dist.).

Steven Vernon RIGGING a/k/a S.V.R., Appellant

v.

Rigel PIPER, Appellee.

**No. 01-03-01105-CV.**

April 15, 2004.

On Appeal from the 212th District Court, Galveston County, Texas, Trial Court Cause No.2002CV0039.

[P. Michael Jung](#), Strausburger & Price, L.L.P., Dallas, TX, for Appellant.

[Nicholas E. Zito](#), Ramey, Chandler, McKinley & Zito, P.C., and **Jason A. Gibson**, Shelton Smith & Associates, Houston, TX, for Appellee.

Panel consists of Chief Justice [RADACK](#) and Justices [TAFT](#) and [KEYES](#).

### MEMORANDUM OPINION

PER CURIAM.

\*1 The parties to this appeal, appellant co-defendant, Steven Vernon Rigging a/k/a S.V.R. ("Rigging") <sup>FN1</sup> and appellee Rigel Piper plaintiff ("Piper") have filed a joint motion to vacate the trial court's judgment without regard to its merits insofar as it relates to Rigging and render judgment dismissing the action with prejudice, insofar as it relates to Rigging. However, [Texas Rule of Appellate Procedure 42.1\(a\)](#) does not authorize this Court to set aside a part of the trial court's judgment and render judgment as it relates to one of two co-defendants. The parties have requested such other and further relief to which they may be entitled.

<sup>FN1</sup> Rigging's co-defendant, Bandit Lites, Inc., is not a party to this appeal.

Accordingly, without regard to the merits, we **vacate** that **part** of the trial court's judgment as it relates to Rigging and **remand** the case to the trial court for the limited purpose of rendering judgment in accordance with Rigging's and

Piper's agreements. See [Tex.R.App. P. 42.1\(a\)\(2\)\(B\)](#). The trial court may not substantively change the existing judgment Piper has against Bandit Lites, Inc.

We order each party to bear the costs it/he incurred on appeal. The appeal is **dismissed**. [Tex.R.App. P. 43.2\(f\)](#).

All other relief requested by the parties is denied. The Clerk is directed to issue mandate within 10 days of the date of this opinion. [Tex.R.App. P. 18.1](#).

Tex.App.-Houston. [1 Dist.],2004.

Rigging v. Piper

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- [01-03-01105-CV](#) (Docket) (Oct. 22, 2003)

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