

**No. 05-20-00440CV**

**COURT OF APPEALS  
FIFTH DISTRICT OF TEXAS  
AT DALLAS**

FILED IN  
5th COURT OF APPEALS  
DALLAS, TEXAS  
5/4/2020 3:48:59 PM

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LISA MATZ  
Clerk

**FEE, SMITH, SHARP & VITULLO, LLP, and ANTHONY VITULLO,**

**Appellants,**

**v.**

**BLOCK GARDEN & McNEILL, LLP f/k/a BLOCK & GARDEN, LLP,  
CHRISTOPHER McNEILL and STEVEN BLOCK**

**Appellees.**

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*On Appeal from the 95<sup>th</sup> Judicial District Court of Dallas County, Texas  
the Hon. David Evans, Presiding*

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**APPELLANTS' AGREED MOTION TO DISMISS APPEAL**

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TO THE HONORABLE JUSTICES OF THE COURT OF APPEALS:

Appellants Fee Smith Sharp & Vitullo, LLP and Anthony Vitullo (collectively, "Appellants") respectfully file this Agreed Motion to Dismiss Appeal with Prejudice, and respectfully notify the Court as follows:

The parties have agreed to settle the dispute between them and have further agreed to seek dismissal of this appeal. The parties have also agreed that each party will bear its own costs in connection with this proceeding. Counsel for Appellees confirms Appellees' agreement to the foregoing by his signature hereto.

ACCORDINGLY, Appellants Fee Smith Sharp & Vitullo, LLP and Anthony Vitullo respectfully request that this Court enter an Order dismissing this appeal with prejudice, and further providing that the Parties will each bear their own costs incurred in this proceeding.

Respectfully Submitted,

/s/ John L. Malesovas

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**CERTIFICATE OF SERVICE**

In accordance with Rule 21a of the Texas Rules of Civil Procedure, the undersigned hereby certifies that a true and correct copy of the foregoing instrument has been served on all counsel of record on May 4, 2020, through the ECF case manager system.

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