

Affirmed as Modified and Opinion filed March 1, 2001.

In The
Fourteenth Court of Appeals

NO. 14-00-01083-CV

MICHAEL A. JACOBS, Appellant

V.

BMW OF NORTH AMERICA, INC., Appellee

**On Appeal from the 113th District Court
Harris County, Texas
Trial Court Cause No. 93-64435**

MEMORANDUM OPINION

This is an appeal from a judgment signed May 24, 2000.

On September 28, 2000, this Court ordered the parties to mediation. On January 5, 2001, a letter was filed with the Court stating the parties had settled and would file a dispositive motion. On February 7, 2001, the parties filed a joint motion to modify the trial court's judgment and affirm the judgment as modified. *See* TEX. R. APP. P. 43.2(b). The motion is granted.

Therefore, we modify the trial court's judgment of May 24, 2000, as follows. We order the provision taxing court costs incurred by BMW of North America, Inc., appellee, against Michael A. Jacobs, appellant, deleted. We further order the judgment modified to state that all court costs shall be borne by the party incurring same. As modified, we order the judgment affirmed.

Accordingly, the judgment is affirmed as modified.

PER CURIAM

Judgment rendered and Opinion filed March 1, 2001.

Panel consists of Justices Anderson, Hudson, and Seymore.

Do Not Publish. — TEX. R. APP. P. 47.3(b).