

CASE NO. 20-50908

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

TAP PILAM COAHUILTECAN NATION; SAN ANTONIO MISSION CEMETERY
ASSOCIATION; RAYMOND HERNANDEZ,
Plaintiffs – Appellants

v.

DOUGLASS W. McDONALD, CEO OF THE ALAMO TRUST; GEORGE P. BUSH,
COMMISSIONER OF THE GENERAL LAND OFFICE OF THE STATE OF TEXAS,
Defendants – Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION
CIVIL ACTION No. 5:19-CV-1084

JOINT MOTION TO DISMISS WITH PREJUDICE

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Appellee Douglass W. McDonald (“McDonald”), Appellee George P. Bush (“Bush”), and Appellants Tap Pilam Coahuiltecan Nation, San Antonio Mission Cemetery Association, and Raymond Hernandez (collectively, “Tap Pilam,” and together with Bush and McDonald, the “Parties”) respectfully submit this Joint Motion to Dismiss with Prejudice pursuant to Federal Rule of Appellate Procedure 42(b) and would show the Court as follows:

1. On September 10, 2019, Tap Pilam filed the underlying lawsuit in the United States District Court for the Western District of Texas, San Antonio Division, styled *Tap Pilam Coahuiltecan Nation et al v. Alamo Trust, Inc., et al.*, Civil Action No. 5:19-cv-1084 (the “Underlying Lawsuit”).

2. On September 23, 2020, the trial court granted Motions to Dismiss filed by Defendants George P. Bush, Commissioner of the Texas General Land Office, and Douglass W. McDonald.

3. Tap Pilam filed its appeal October 23, 2020.

4. Briefing was completed May 17, 2021.

5. The Appeal was set for oral argument on November 4, 2021. The Parties attended a mediation on October 11, 2021, during which the Parties made significant progress towards settlement.

6. On October 13, 2021, the Parties requested the court to continue the oral argument to a date beyond November 19, 2021, to allow the Parties to continue settlement negotiations.

7. On October 14, 2021 the court granted the joint motion to continue oral argument, with the parties submitting a joint status report every thirty (30) days.

8. Pursuant to that Order, the Parties file this joint motion to dismiss notifying the Court that Alamo Trust and Tap Pilam have finalized the settlement documents that resolve this matter.

9. In accordance with that agreement and pursuant to Federal Rule of Appellate Procedure 42(b), the Parties ask the Court to dismiss this appeal with prejudice, with all costs and fees to be borne by the Party that incurred them.

Date: June 22, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on June 22, 2022, this motion was filed using the United States Court of Appeals for the Fifth Circuit's CM/ECF filing system and all counsel of record were served via the Court's electronic Notice of Docket activity or electronic mail pursuant to Fifth Circuit Rule 25.2.5.

/s/ Manuel Mungia, Jr.

CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) and Fifth Circuit Rule 27.4 because this motion contains fewer than the 5,200 words permitted, excluding the parts exempted by Fed. R. App. P. 32(f).

2. This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this document has been prepared in a proportionally-spaced typeface using Microsoft Word in 14-point Times New Roman font.

Dated: June 22, 2022

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