

**Information or instructions: ~~Joint motion & order to dismiss a lawsuit~~**

**PREVIEW**

1. A dismissal abates or dismisses a cause of action for one of several reasons:
  - a. The parties have reached a settlement of the matter;
  - b. Plaintiff has obtained through discovery procedures information that shows that his or her claim is not valid against the defendant;
  - c. Plaintiff has learned he or she may not be able to prove the claim notwithstanding its validity and therefore desires to dismiss the matter; or
  - d. Plaintiff desires to dismiss the claim with the right to refile it.

2. See the following Texas Rules of Civil Procedure applicable to abatement and discontinuance of a suit:

Rule 150-Death of party;  
Rule 151-Death of plaintiff,  
Rule 152-Death of defendant;  
Rule 153-Death of executor;  
Rule 156-Death after verdict or close of evidence;  
Rule 160-Dissolution of corporation;  
Rule 161-Some defendants are not served;  
Rule 162-Discontinuance and vacation;  
Rule 163-Discontinuance as to defendant served;  
Rule 164-Nonsuit,  
Rule 165-Abandonment;  
Rule 165A-Dismissal for want of prosecution.

3. The following form assumes that all parties to the litigation have joined into the joint motion to dismiss with prejudice, because the action has been settled and mutual releases have been obtained.

**Form: Joint motion to dismiss**

~~CAUSE NUMBER~~

**THANK YOU**

[Name],  
PLAINTIFF

IN THE [Type of Court] COURT

[Court number]

vs.

[Name],  
DEFENDANT

OF [NAME], COUNTY, TEXAS

**LegalFormsForTexas.Com**  
JOINT MOTION TO DISMISS

# PREVIEW

All of the parties in the above styled and numbered cause move the Court to dismiss the above cited cause of action, and in support of this motion would show the Court the following:

1. All matters in controversy have been settled to the satisfaction of Plaintiffs.
2. A Release and Settlement Agreement have been signed.

## PRAYER

Plaintiff prays that this cause of action be dismissed with prejudice, all costs to be borne by the party incurring the same.

# PLEASE DO NOT COPY

Respectfully Submitted,

\_\_\_\_\_  
[Law Firm Name]

By \_\_\_\_\_

\_\_\_\_\_  
[Attorney's Name]

# THIS DOCUMENT

Attorney for [Plaintiff, Defendant or Movant]  
[Attorney's Address]  
[Telephone Number]  
[Facsimile Number]  
[Bar Card Number]

## CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing pleading or document has been served upon all attorneys of record and any parties who are not represented by an attorney on \_\_\_\_\_.

Attorney for: [Other attorney's client's name]  
 Attorney's name: [Other attorney's name]  
 Attorney's address: [Other attorney's address]

# THANK YOU

Type of Service:

\_\_\_ U.S. Mail, Certified Return Receipt Request No. \_\_\_\_\_

\_\_\_ U.S. Mail, First Class \_\_\_\_\_

\_\_\_ Hand delivery by [name of delivery service]: \_\_\_\_\_

\_\_\_ Facsimile transmission to \_\_\_\_\_ [fax number] before 5 p.m.

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**PREVIEW**

[Attorney's signature]

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**THIS DOCUMENT**

**THANK YOU**

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CAUSE NUMBER **PREVIEW**

[Name],  
PLAINTIFF

IN THE [Type of Court] COURT

[Court number]

vs.  
[Name],  
DEFENDANT

OF [NAME], COUNTY, TEXAS

**ORDER TO DISMISS CAUSE WITH PREJUDICE**

On \_\_\_\_\_, the court considered the parties' joint motion to dismiss this case with prejudice.

**PLEASE DO NOT COPY**

After considering the motion, the court decided that the request should be granted.

It is ORDERED that case shall be dismissed with prejudice to the refiling of the same or similar cause of action and that costs of Court shall be borne by the party incurring same.

Signed on \_\_\_\_\_.

**THIS DOCUMENT**  
JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
[Law Firm's or Attorney's Name]  
Attorney for [Plaintiff or Defendant]  
[Address]  
[Telephone & facsimile numbers]  
Texas Bar no. [Number]

APPROVED AS TO FORM AND SUBSTANCE:

**THANK YOU**

\_\_\_\_\_  
[Law Firm's or Attorney's Name]  
Attorney for [Plaintiff or Defendant]  
[Address]  
[Telephone & facsimile numbers]  
Texas Bar no. [Number]

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