

IN THE SUPREME COURT OF TEXAS

=====
No. 12-0522
=====

WASTE MANAGEMENT OF TEXAS, INC., PETITIONER,

v.

TEXAS DISPOSAL SYSTEMS LANDFILL, INC., RESPONDENT

=====
ON PETITION FOR REVIEW FROM THE
COURT OF APPEALS FOR THE THIRD DISTRICT OF TEXAS
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JUDGMENT

THE SUPREME COURT OF TEXAS, having heard this cause on petition for review from the Court of Appeals for the Third District, and having considered the appellate record, briefs, and counsels' argument, concludes that the court of appeals' judgment should be affirmed in part and reversed in part.

IT IS THEREFORE ORDERED, in accordance with the Court's opinion, that:

- 1) The judgment of the court of appeals is affirmed in part and reversed in part, and the cause is remanded to the Court of Appeals for further proceedings consistent with this Court's opinion; and
- 2) Each side shall bear its own costs incurred in this Court.

Copies of this judgment and the Court's opinion are certified to the Court of Appeals for the Third District and to the District Court of Travis County, Texas, for observance.

Opinion of the Court delivered by Justice Willett

May 9, 2014
