

Dismiss and Opinion Filed August 31, 2023



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-19-01119-CV

**IN RE NATIONAL SURETY CORPORATION,
ALLIANZ GLOBAL RISK US INSURANCE COMPANY, AND
CENTURY INDEMNITY COMPANY, Relators**

**Original Proceeding from the 192nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-18-11896**

MEMORANDUM OPINION

Before Justices Partida-Kipness, Pedersen, III, and Reichek
Opinion by Justice Pedersen, III

Relators in this case sought a writ of mandamus compelling the trial court to grant a stay of proceedings in the lawsuit brought against them in Texas by the Real Parties in Interest. The order denying that stay was signed on March 27, 2019. This proceeding was abated for a significant time while the parties participated in a bankruptcy proceeding in Delaware. The bankruptcy stay has now been lifted.

We ordered counsel for the parties to file a Joint Status Report by August 28, 2023, and they have done so. That report informed us that the underlying trial court case (case number DC-18-11896) was non-suited by the successor to the Real Party

in Interest, and was then dismissed by the trial court. The dismissal of the case below rendered the trial court's March 27, 2019 order moot and, in turn, renders this proceeding moot. *See Heckman v. Williamson Cnty.*, 369 S.W.3d 137, 166–67 (Tex. 2012) (courts have obligation to take into account intervening events that may render proceeding moot).

We will treat the Joint Status Report as a motion to dismiss this original proceeding; we grant that motion and dismiss the petition for writ of mandamus as moot. *See In re Rakes*, No. 05-20-01100-CV, 2021 WL 81868, at *1 (Tex. App.—Dallas Jan. 11, 2021, no pet.) (mem. op.).

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/Bill Pedersen, III/

BILL PEDERSEN, III
JUSTICE