

Opinion issued October 18, 2016



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-16-00728-CV

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**IN RE WATTS REGULATOR CO., Relator**

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**Original Proceeding on Petition for Writ of Mandamus**

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**MEMORANDUM OPINION**

Prior to the filing of this original proceeding, relator, Watts Regulator Co., filed an interlocutory appeal on August 22, 2016 in appellate cause number 01-16-00668-CV challenging the trial court's August 22, 2016 denial of Watt's "Second Amended Motion to Compel Arbitration and to Stay Proceedings or, in the

Alternative, Motion to Dismiss.”<sup>1</sup> On August 29, 2016, we granted, in part, Watts’s request for an emergency stay in the interlocutory appeal and ordered “the trial in trial court cause number 2015-37398, STAYED, pending resolution of the appeal.”

On September 16, 2016, Watts filed a petition for writ of mandamus challenging the trial court’s denial of its request for a confidentiality order regarding documents to be produced in discovery. On the same day, this Court granted Watts’s related request for emergency relief and ordered that “All proceedings in the trial court, including trial and all discovery, are STAYED pending further order of this court, except that the Court welcomes the parties to agree to a confidentiality agreement, move the trial court to enter the agreed order, and notify the Court if and when this has been accomplished.”

On September 21, 2016, Watts filed a supplement to its petition indicating that the trial court issued a confidentiality order signed on September 16, 2016. The confidentiality order was attached as an exhibit to the supplemental petition. Watts’s supplemental petition does not address the mootness of the petition in light of the confidentiality order having been entered; instead, Watts requests that the stay issued in this original proceeding of “[a]ll proceedings in the trial court, including trial and all discovery” remain in place through the disposition of Watts’s related

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<sup>1</sup> The underlying case is *Texas Farmers Insurance Company As Subrogee of Juan Perez v. Watts Regulator Co.*, cause number 2015-37398, pending in the 127th District Court of Harris County, Texas, the Honorable R. K. Sandill presiding.

interlocutory appeal in appellate cause number 01-16-00668-CV. Real party in interest filed a response asserting that the trial court's entering of the confidentiality order renders this original proceeding moot. Watts filed a reply requesting that we reconsider our stay order issued in 01-16-00668-CV:

Watts requests that the stay of all proceedings in the trial court remain in place throughout the pendency of the interlocutory appeal in Case No. 01-16-00668-CV. This request is presented in the mandamus proceeding, Case No. 01-16-00728-CV, as a reply in support of its emergency motion for relief in Case No. 01-16-00668-CV, and in Case No. 01-16-00668-CV as a motion to reconsider the Court's August 29, 2016, partial denial of Watts' opposed motion for emergency relief, in which the Court ordered a stay of the trial.

This Court has entered an order in 01-16-00668-CV staying both trial and discovery until resolution of the interlocutory appeal, thereby granting the relief requested by Watts.

Because Watts's mandamus petition challenges the denial of a confidentiality order that has now been entered and requests stay relief that has been granted, we dismiss this original proceeding as moot.

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Higley and Huddle.