

Opinion issued January 11, 2018



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

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NO. 01-17-00778-CV

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**IN RE WALMART STORES TEXAS, LLC, Relator**

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

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**MEMORANDUM OPINION**

Relator, Walmart Stores Texas, LLC, has filed a petition for a writ of mandamus challenging an order compelling the production of documents in the underlying trial court proceeding.<sup>1</sup> Relator, representing that the parties have settled

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<sup>1</sup> The underlying case is *Miriam Nelida Gigena, Individually and as Representative of the Estate of Cristhian Eduardo Cardozo, Deceased, and as Next Friend of C.G.C. and L.P.C., Minors v. Wal-Mart Stores Texas, LLC, AlliedBarton Security Services, LLC, Antonio de la Cruz and Jason Lara*, No. 14-DCV-219810, in the 268th District Court of Fort Bend County, Texas, the Honorable Brady Elliott presiding.

the underlying case and the issues raised in the mandamus petition are now moot, has filed a motion to dismiss the petition without prejudice to refiling same. Although the motion does not include a certificate of conference, more than ten days have passed and no party has responded to the motion. *See* TEX. R. APP. P. 10.1(a)(5), 10.3(a).

Accordingly, we vacate our October 12, 2017 order staying the trial court's order compelling the production of documents, grant relator's motion, and dismiss the petition without prejudice to refiling same.

**PER CURIAM**

Panel consists of Justices Keyes, Brown, and Lloyd.