

Opinion issued August 8, 2023



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

NO. 01-23-00518-CV

**IN RE FEDEX GROUND PACKAGE SYSTEM, INC., O'BRIEN
INTEREST, INC., AND SHANNON WILKERSON, Relators**

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relators, FedEx Ground Package System, Inc., O'Brien Interest, Inc., and Shannon Wilkerson, filed a petition for writ of mandamus challenging the trial court's July 12, 2023 order granting the motion to strike relators' designation of Jim

McCord, a former defendant in the underlying litigation, as a responsible third party.¹

In connection with their petition for writ of mandamus, relators filed an “Emergency Motion for Temporary Relief Seeking Stay of Trial Commencement,” requesting that the Court stay the trial of the underlying litigation pending resolution of the mandamus petition. On July 19, 2023, the Court granted relators’ emergency motion and stayed the July 31, 2023 trial setting.

We lift the stay imposed by our July 19, 2023 order and deny relators’ petition for writ of mandamus. We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Justices Kelly, Landau, and Farris.

¹ The underlying case is *Roberto Ramirez v. FedEx Ground Package System, Inc., O’Brien Interest, Inc., and Shannon Wilkerson*, Cause No. 2019-74906, in the 334th District Court of Harris County, Texas, the Honorable Dawn Rogers presiding.