

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-22-00419-CV

In re Public Utility Commission of Texas; Peter Lake, Chariman; Will McAdams, Commissioner; Lori Cobos, Commissioner; and Jimmy Glotfelty, Commissioner, Each in His or Her Official Capacity at the Public Utility Commission of Texas

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Relators have filed a petition for writ of mandamus complaining of the trial court's communication to the parties that it intends to hold a hearing on the motion of real party in interest, AMA Communications, LLC d/b/a AMA TechTel Communications, to enforce the trial court's temporary injunction. Relators contend that if the trial court proceeds with a hearing, it will violate the automatic stay of trial-court proceedings while an appeal in the underlying proceeding is pending. *See* Tex. Civ. Prac. & Rem. Code § 51.014(b) (providing that certain interlocutory appeals stay all proceedings in trial court "pending resolution of the appeal"). This Court has issued an opinion and mandate in the underlying matter, 03-21-00597-CV, and therefore the automatic stay in the underlying proceeding has been lifted. *See id.* Accordingly, we dismiss the petition for writ of mandamus as moot. *See In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005) (orig. proceeding) ("A case becomes moot if a controversy ceases to exist between the parties at any stage of the legal proceedings"); *see*

also Tex. R. App. P. 52.8(a) (“Action on [Original] Petition”). Relators’ motion for emergency relief is also denied.

Thomas J. Baker, Justice

Before Justices Goodwin, Baker, and Triana

Filed: October 27, 2022