



NUMBER 13-09-00539-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE THE TORO COMPANY

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

Before Chief Justice Valdez and Justices Yañez and Benavides
Memorandum Opinion Per Curiam¹

Relator, The Toro Company, filed a petition for writ of mandamus in the above cause on September 24, 2009. The parties herein have now filed an “Agreed Motion to Dismiss Petition for Writ of Mandamus.”

The Court, having considered the documents on file and the agreed motion to dismiss this original proceeding, is of the opinion that the motion should be granted. Accordingly, the stay previously imposed by this Court is LIFTED and this original proceeding is DISMISSED without reference to the merits thereof. See TEX. R. APP. P. 52.10(b) (“Unless vacated or modified, an order granting temporary relief is effective until

¹ See TEX. R. APP. P. 52.8(d) (“When denying relief, the court may hand down an opinion but is not required to do so.”); TEX. R. APP. P. 47.4 (distinguishing opinions and memorandum opinions).

the case is finally decided.”). Pending motions, if any, are likewise DISMISSED.

IT IS SO ORDERED.

PER CURIAM

Delivered and filed this
8th day of April, 2010.