



**NUMBER 13-09-00551-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**IN RE: H & H SAND AND GRAVEL, INC.  
A TEXAS CORPORATION**

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**On Relator's Petition for Writ of Mandamus.**

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**MEMORANDUM OPINION**

**Before Justices Yañez, Garza, and Benavides  
Memorandum Opinion Per Curiam**

On October 5, 2009, relator, H & H Sand and Gravel, Inc., a Texas Corporation, filed a petition for writ of mandamus, in which it requests this Court to direct the respondent, the Honorable Marisela Saldana, presiding judge of the 148th Judicial District Court of Nueces County, Texas, to vacate a protective order dated June 30, 2009 in trial court cause number 02-3448-E, styled *H & H Sand and Gravel, Inc., a Texas Corporation v. Suntide Sandpit, Inc., a Texas Corporation; Mike Hurst, individually; Phil Hurst, individually; Erma Stilwell, individually; and City of Corpus Christi, Texas*. On November 5, 2009, relator also filed a motion for temporary relief, in which it requested this Court to stay the proceedings in trial court cause number 02-3448-E, pending disposition of the petition for writ of mandamus.

This Court, having examined and fully considered the petition for writ of mandamus and documents on file, is of the opinion that the petition for writ of mandamus should be denied. See TEX. R. APP. P. 52.8(a). Accordingly, the petition for writ of mandamus is DENIED. Further, relator's motion for emergency temporary relief is DENIED as moot.

PER CURIAM

Memorandum Opinion delivered and  
filed this the 6th day of November, 2009.