



NUMBER 13-10-00467-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE BSC EQUIPMENT COMPANY

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Justices Rodriguez, Benavides, and Vela
Per Curiam Memorandum Opinion ¹**

Relator, BSC Equipment Company, filed a petition for writ of mandamus in the above cause on August 18, 2010. The Court requested that the real party in interest file a response to the petition; however, on October 8, 2010, the parties filed a “Joint Motion to Abate Petition for Writ of Mandamus” on grounds that they have settled and compromised their differences. The Court granted the “Joint Motion to Abate Petition for Writ of Mandamus” and abated this cause.

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).

Relator has now filed a “Motion to Dismiss” this original proceeding because the parties have compromised and settled their differences. The Court, having examined and fully considered “Relator’s Motion to Dismiss,” is of the opinion that the motion should be granted. Accordingly, the Court REINSTATES this cause, GRANTS “Relator’s Motion to Dismiss,” and DISMISSES this cause as moot without reference to the merits thereof. Pending motions, if any, are likewise DISMISSED as moot. See TEX. R. APP. P. 52.8(a).

IT IS SO ORDERED.

PER CURIAM

Delivered and filed the
30th day of November, 2010.