



NUMBER 13-21-00224-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN RE CITY OF ARANSAS PASS

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Justices Longoria, Hinojosa, and Tijerina
Memorandum Opinion by Justice Tijerina¹**

By petition for writ of mandamus, relator, the City of Aransas Pass, Texas (the City), sought to compel the trial court to quash deposition notices directed to Mayor Ramiro Gomez, Council Members Carrie Scruggs, Jan Moore, and Vickie Abrego, and former Council Member Billy Ellis. However, the City has now filed an unopposed motion to dismiss this original proceeding on grounds that the parties have reached an

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,” but “[w]hen granting relief, the court must hand down an opinion as in any other case”); *id.* R. 47.4 (distinguishing opinions and memorandum opinions).

agreement concerning the matters in dispute. The City contends that the petition for writ of mandamus has been rendered moot and it requests that we dismiss this original proceeding.

The Court, having examined and fully considered the unopposed motion to dismiss this original proceeding, is of the opinion that it should be granted. See *Heckman v. Williamson County*, 369 S.W.3d 137, 162 (Tex. 2012) (“A case becomes moot if, since the time of filing, there has ceased to exist a justiciable controversy between the parties—that is, if the issues presented are no longer ‘live,’ or if the parties lack a legally cognizable interest in the outcome.”); *In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005) (orig. proceeding) (stating that a case becomes moot “if a controversy ceases to exist between the parties at any stage of the legal proceedings”); see also *In re Smith County*, 521 S.W.3d 447, 455 (Tex. App.—Tyler 2017, orig. proceeding). Accordingly, we lift the stay previously imposed in this case. See TEX. R. APP. P. 52.10(b) (“Unless vacated or modified, an order granting temporary relief is effective until the case is finally decided.”). We grant the unopposed motion to dismiss and we dismiss this original proceeding as moot.

JAIME TIJERINA
Justice

Delivered and filed on the
11th day of August, 2021.