



NUMBER 13-22-00438-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN RE AMAZON.COM, INC. AND AMAZON LOGISTICS, INC.

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Chief Justice Contreras and Justices Benavides and Tijerina
Memorandum Opinion by Justice Benavides¹**

Relators Amazon.com Inc. and Amazon Logistics, Inc. filed a petition for writ of mandamus seeking to set aside a September 1, 2022 order denying relators' motion to compel an independent medical examination of the real party in interest, Apoelinar Daniel Waters. See *generally* TEX. R. CIV. P. 204. This Court granted relators' emergency motion to stay and requested that Waters file a response to the petition for writ of mandamus.

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. When granting relief, the court must hand down an opinion as in any other case."); *id.* R. 47.4 (distinguishing opinions and memorandum opinions).

See TEX. R. APP. P. 52.2, 52.4, 52.8, 52.10(b). Waters has now filed an unopposed amended emergency motion to lift the stay previously imposed in this case and to dismiss the petition for writ of mandamus as moot. According to the motion, Waters has agreed to submit to an independent medical examination and accordingly, requests that we lift the stay and dismiss this original proceeding as moot.

The Court, having examined and fully considered Waters's motion, 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) ("A case becomes moot if a controversy ceases to exist between the parties at any stage of the legal proceedings, including the appeal."); see generally *In re Contract Freighters, Inc.*, 646 S.W.3d 810, 813 (Tex. 2022) (orig. proceeding) (per curiam). We grant the unopposed motion, lift the stay previously imposed in this case, and dismiss this petition for writ of mandamus as moot. See TEX. R. APP. P. 52.8, 52.10(b).

GINA M. BENAVIDES
Justice

Delivered and filed on the
12th day of October, 2022.