



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE:	§	
	§	
DOLORES NARVAEZ, LUIS	§	No. 08-19-00133-CV
NARVAEZ, EDUARDO VELARDE,	§	
JOSE JUAN VELARDE, JULIETA	§	AN ORIGINAL PROCEEDING
DURAN, LUZ MAGDALENA	§	
ESCOBAR, and JOSE ANTONIO	§	IN MANDAMUS
VELARDE JUAREZ,	§	
Relators.	§	

MEMORANDUM OPINION

On August 23, 2019, Real Parties in Interest Hector Phillips and Hector Phillips, P.C. (collectively “Phillips”) filed a notice of settlement and a motion for partial dismissal of this mandamus action with prejudice in this Court. Attached to the motion were copies of a concurrent motion for partial dismissal with prejudice and a motion for severance of the Phillips parties in Cause Nos. 2013-CPR00282 and 2013-CPR00292-A, currently pending in El Paso County Probate Court No. 2. The motion to dismiss in this Court was unopposed, and the copies of the trial court filings appeared to be agreed to by all parties, but Phillips informed us that the trial motions remained pending until El Paso County Probate Court No. 2 could calendar in a dismissal hearing. We therefore sent a letter informing the parties that we would defer our ruling dismissing the Phillips RPIs until (1) Relators, within ten days, filed a notice either asserting to or objecting to

dismissal of the mandamus action as to the Phillips RPIs or (2) certified copies of the probate court's orders granting the joint motions to dismiss and sever were filed with the Court, whichever occurred first.

On August 28, 2019, the Relators filed a notice of assent to dismissal of the mandamus petition as to the Phillips RPIs. We have also received copies of the trial court's ruling.

Accordingly, we dismiss the mandamus petition in part as to Hector Phillips and Hector Phillips, P.C. only. The mandamus petition remains pending against Real Parties in Interest Darron Powell and Darron Powell, P.L.L.C.

September 25, 2019

YVONNE T. RODRIGUEZ, Justice

Before Rodriguez, J., Palafox, J., and Barajas, Senior Judge
Barajas, Senior Judge (Sitting by Assignment)