

DISMISS; and Opinion Filed December 15, 2014



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-14-01154-CV

**IN RE JAMES D. YOO, KEITH WARD, HANS YOO, YOUNG K. YOO, AND DANNY
YOO, Relators**

**Original Proceeding from the 192nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-13-14351**

MEMORANDUM OPINION

Before Justices O'Neill, Lang, and Brown
Opinion by Justice Lang

On December 12, 2014 relators filed an agreed motion to dismiss the petition for writ of mandamus in this case, which states the parties have reached, executed and satisfied a confidential settlement agreement and the trial court has signed an order vacating the September 2, 2014 writ of attachment that is the subject of the petition for writ of mandamus. A case becomes moot if a controversy ceases to exist. *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.”); *State Bar of Tex. v. Gomez*, 891 S.W.2d 243, 245 (Tex. 1994) (orig. proceeding) (stating that for controversy to be justiciable, there must be a real controversy between the parties that will be actually resolved by the judicial relief sought); *Dow Chem. Co. v. Garcia*, 909 S.W.2d 503, 505 (Tex. 1995) (orig. proceeding) (court will not issue mandamus if it would be useless or unavailing). With the withdrawal and

dissolution of the challenged order a justiciable controversy no longer exists thereby rendering the petition for writ of mandamus moot. We **DISMISS** the petition.

/Douglas S. Lang/
DOUGLAS S. LANG
JUSTICE

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