

**DISMISS; and Opinion Filed May 23, 2016.**



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

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**No. 05-16-00277-CV**

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**IN RE EUI-TAK SHIN AND BITRO CORPORATION, Relators**

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**Original Proceeding from the 429th Judicial District Court  
Collin County, Texas  
Trial Court Cause No. 429-03081-2013**

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**MEMORANDUM OPINION**

Before Justices Francis, Fillmore, and Stoddart  
Opinion by Justice Fillmore

By notice filed March 14, 2016, relators advised the Court that the parties in the underlying litigation have resolved the matter. When no motion to dismiss was filed by May 9, 2016, the Court sent relators a letter informing them that based on the representation that the case is settled, the petition for writ of mandamus would be dismissed as moot on or after May 19, 2016. Relators have not filed a motion to dismiss or corresponded with the Court since May 9, 2016.

Accordingly, based on the notice filed by relators we conclude that the petition for writ of mandamus is moot. *See 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) (controversy is justiciable if real controversy exists between parties that

will be actually resolved by judicial relief sought). We dismiss the petition for writ of mandamus as moot.

*/Robert M. Fillmore/*

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ROBERT M. FILLMORE  
JUSTICE

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