

VACATE and DISMISS; and Opinion Filed April 27, 2018.



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

No. 05-15-00217-CV

**TRU EXPLORATION, LLC, TRU EXPLORATION "CREATING TRU PARTNERS",
LLC, TRENT TRUBENBACH AND DONNA BURTON, Appellants**

V.

ENERGY EXPLORATION I, LLC AND ENERGY EXPLORATION II, LLC, Appellees

**On Appeal from the 416th Judicial District Court
Collin County, Texas
Trial Court Cause No. 416-00031-2015**

MEMORANDUM OPINION

Before Justices Lang-Miers, Evans, and Schenck
Opinion by Justice Lang-Miers

This is an interlocutory appeal from an order denying appellants' motion to stay litigation and compel arbitration. Asserting the appeal has become moot because arbitration has occurred and the arbitrator has issued an award, appellees have moved to dismiss the appeal. Appellants have not filed a response.

The mootness doctrine implicates a court's subject matter jurisdiction and limits courts to deciding only cases in which an actual controversy exists. *Trulock v. City of Duncanville*, 277 S.W.3d 920, 923 (Tex. App.—Dallas 2009, no pet.); *Lincoln Prop. Co. v. Kondos*, 110 S.W.3d 712, 715 (Tex. App.—Dallas 2003, no pet.). An appeal becomes moot if the controversy between the parties ceases to exist or any decision rendered by the appellate court would not affect the parties' rights. *Trulock*, 277 S.W.3d at 924. When an appeal becomes moot, any order or judgment

previously rendered must be vacated and the appeal dismissed for want of jurisdiction. *See Heckman v. Williamson Cty.*, 369 S.W.3d 137, 161 (Tex. 2012); *Williams v. Lara*, 52 S.W.3d 171, 184 (Tex. 2001); *Trulock*, 277 S.W.3d at 929.

The dispute on appeal centers on whether arbitration is required. Arbitration having been conducted and an award having been issued, the controversy no longer exists and the appeal is moot. *See Trulock*, 277 S.W.3d at 924.

On February 26, 2015, on appellants' emergency motion, we stayed the trial court proceedings pending further order of the Court. As the appeal is now moot, we vacate that order as well as the trial court's order denying appellants' motion to stay litigation and compel arbitration. *See Heckman*, 369 S.W.3d at 161. We grant appellees' motion and dismiss the appeal. *See Trulock*, 277 S.W.3d at 929; *see also* TEX. R. APP. P. 42.3(a).

/Elizabeth Lang-Miers/
ELIZABETH LANG-MIERS
JUSTICE

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

JUDGMENT

TRU EXPLORATION, LLC, TRU
EXPLORATION "CREATING TRU
PARTNERS", LLC, TRENT
TRUBENBACH AND DONNA BURTON,
Appellants

On Appeal from the 416th Judicial District
Court, Collin County, Texas
Trial Court Cause No. 416-00031-2015.
Opinion delivered by Justice Lang-Miers,
Justices Evans and Schenck participating.

No. 05-15-00217-CV V.

ENERGY EXPLORATION I, LLC AND
ENERGY EXPLORATION II, LLC,
Appellees

In accordance with this Court's opinion of this date, we **VACATE** the trial court's order denying the motion to stay litigation and compel arbitration and **DISMISS** the appeal.

We **ORDER** appellees Energy Exploration I, LLC and Energy Exploration II, LLC recover their costs of this appeal from appellants TRU Exploration, LLC, TRU Exploration "Creating TRU Partners", LLC, Trent Trubenbach and Donna Burton.

Judgment entered this 27th day of April, 2018.