

DISMISS; and Opinion Filed March 13, 2018.



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

No. 05-17-00535-CV

IN THE MATTER OF THE RUFF MANAGEMENT TRUST

**On Appeal from the Probate Court No. 1
Dallas County, Texas
Trial Court Cause No. PR-17-01051-1**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Evans, and Justice Brown
Opinion by Chief Justice Wright

This is an interlocutory appeal from an order denying appellant’s application to enjoin appellee Suzann Ruff from arbitrating certain claims. Before the Court are the motion to dismiss and motion for sanctions and attorney’s fees filed by appellee Frost Bank, in its capacity as trustee of the Ruff Management Trust, and appellant’s motion to show authority. In its motion to dismiss, Frost Bank asserts, in part, the appeal has become moot because the arbitration appellant sought to stay by its request for injunctive relief has concluded. *See Trulock v. City of Duncanville*, 277 S.W.3d 920, 924 (Tex. App.—Dallas 2009, no pet.) (“Generally, an appeal is moot when the court’s action on the merits cannot affect the rights of the parties.”). Acknowledging the arbitration has concluded and the arbitrators have issued an award, appellant agrees the appeal is moot and should be dismissed.

Because the arbitration has concluded and an award has issued, any decision rendered by the Court would be no more than an advisory opinion. *See id.* Accordingly, we grant the motion. *See* TEX. R. APP. P. 42.3(a). We vacate the trial court’s order denying the temporary injunction and dismiss the case, including all pending motions, for want of jurisdiction. *See Heckman v. Williamson Cty.*, 369 S.W.3d 137, 162 (Tex. 2012); *Lipshy Motorcars, Inc. v. Sovereign Assoc., Inc.*, 944 S.W.2d 68 (1997).

/Carolyn Wright/

CAROLYN WRIGHT
CHIEF JUSTICE

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

JUDGMENT

IN THE MATTER OF THE RUFF
MANAGEMENT TRUST

No. 05-17-00535-CV

On Appeal from the Probate Court No. 1,
Dallas County, Texas
Trial Court Cause No. PR-17-01051-1.
Opinion delivered by Chief Justice Wright,
Justices Evans and Brown participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

We **ORDER** that appellees Suzann Ruff and Frost Bank, in its capacity as trustee of The Ruff Management Trust, recover their costs of this appeal from appellant Michael A. Ruff.

Judgment entered this 13th day of March, 2018.