

Dismissed and Opinion Filed December 12, 2018



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-00770-CV

IN RE SUSAN HARRIMAN, Relator

Original Proceeding from the 162nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-15-11994

MEMORANDUM OPINION

Before Justices Lang-Miers, Fillmore, and Stoddart
Opinion by Justice Stoddart

Before the Court are relator's petition for writ of mandamus and relator's "Motion to Dismiss and Vacate Trial Court Order." In this original proceeding, relator complains of the trial court's June 29, 2018 order on motion to expand forensic examination. The parties have now settled the underlying dispute, and the trial court has signed an "Order of Non-Suit with Prejudice" and dismissed all claims at issue in this original proceeding. In her motion, relator requests that this Court vacate the trial court's forensic examination order, dismiss this original proceeding, and order the parties to bear their own costs.

When a trial court dismisses an action pursuant to a notice of non-suit, a temporary order rendered during the pendency of the cause automatically dissolves by operation of law without further order of the trial court and renders appellate proceedings related to the order moot. *Gen. Land Office v. OXY U.S.A., Inc.*, 789 S.W.2d 569, 571 (Tex. 1990) (when trial court dismisses lawsuit, temporary injunction is automatically dissolved); *Goodman v. Hill*, No. 05-13-01313-CV,

2014 WL 1576969, at *1 (Tex. App.—Dallas Apr. 21, 2014, no pet.) (“The trial court’s dismissal of the underlying action automatically dissolved the temporary injunction, rendering the issues in this appeal moot.”).

Here, the trial court’s dismissal automatically dissolved the order of which relator complains. This controversy is, therefore, moot and must be dismissed. *See Gen. Land. Office*, 789 S.W.2d at 572. Accordingly, we deny relator’s request for an order vacating the trial court’s forensic examination order, grant relator’s motion to dismiss, and dismiss this original proceeding as moot without reaching the merits of the petition for writ of mandamus.

/Craig Stoddart/
CRAIG STODDART
JUSTICE

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