

**Dismissed and Opinion Filed February 1, 2021**



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

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**No. 05-21-00055-CV**

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**IN RE VERTICAL HOLDINGS, LLC, AND VANGUARD FINANCIAL  
TRUST, Relators**

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**Original Proceeding from the 101st Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-20-04237**

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**MEMORANDUM OPINION**

Before Justices Myers, Partida-Kipness, and Carlyle  
Opinion by Justice Partida-Kipness

Before the Court are relators' January 26, 2021 petition for writ of mandamus and motion for temporary relief in which they challenge the trial court's order denying their motion to dismiss or stay real party in interest's counterclaim pending resolution of their federal suit.

In their January 29, 2021 unopposed motion for voluntary dismissal pursuant to Texas Rule of Appellate Procedure 42.1(a)(1), relators advise us that this original proceeding has been rendered moot by the dismissal of the federal suit. Accordingly,

we grant the motion and dismiss the petition. Having dismissed the petition, we also deny the motion for temporary relief as moot.

/Robbie Partida-Kipness/  
ROBBIE PARTIDA-KIPNESS  
JUSTICE

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