

**DISMISS and Opinion Filed September 12, 2022**



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

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**No. 05-22-00466-CV**

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**IN RE CITY OF DALLAS, Relator**

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**Original Proceeding from the 14th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-22-01696**

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**MEMORANDUM OPINION**

Before Justices Schenck, Carlyle, and Goldstein  
Opinion by Justice Schenck

In this original proceeding, relator seeks mandamus relief from the trial court's Rule 202 order authorizing the pre-suit deposition of the Dallas Police Department's official representative. Because we questioned whether real party in interest's filing of a federal suit has rendered the underlying Rule 202 proceeding moot, we directed the parties to file letter briefs addressing our concern.

After reviewing the letter briefs, the petition, and the record, we conclude that the underlying Rule 202 proceeding is moot. *See In re Overhead Garage Door, LLC*, No. 07-18-00015-CV, 2018 WL 934814, at \*2 (Tex. App.—Amarillo Feb. 16, 2018, orig. proceeding) (mem. op.) (explaining that the filing of a suit encompassing same litigants and factual disputes dispenses with need for invoking Rule 202); *Tex.*

*Lottery Comm'n v. Willis*, No. 03-10-00330-CV, 2011 WL 2651132, at \*1 (Tex. App.—Austin July 6, 2011, no pet.) (per curiam) (mem. op.) (summarily dismissing rule 202 appeal as moot because suit was filed). Accordingly, we dismiss this original proceeding for lack of jurisdiction.

/David J. Schenck/  
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DAVID J. SCHENCK  
JUSTICE

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