

Opinion issued March 27, 2014



**In The
Court of Appeals
For The
First District of Texas**

NO. 01-13-00166-CV

IN RE JESUS CRUZ AND JUAN SANCHEZ, Relators

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

On February 28, 2013, relators, Jesus Cruz and Juan Sanchez, filed a petition for writ of mandamus, seeking relief from the trial court's February 14, 2013 order compelling relators to submit to independent medical examinations and the trial court's February 14, 2013 order denying relators' motion to compel discovery of

net-worth information from real party in interest, T. Gerald Treece, Independent Executor of the Estate of John M. O'Quinn, deceased (the "Estate").¹

Subsequently, the parties advised the Court that, on March 6, 2013, the trial court vacated its February 14, 2013 net-worth order and issued a new order denying relators' motion to compel discovery of net-worth information from the Estate. In light of the trial court's March 6, 2013 order, relators filed a motion for leave to supplement their petition, seeking to challenge the trial court's March 6, 2013 net-worth order in this mandamus proceeding. Further, relators requested that the Court construe their reply brief as a supplement to their petition for writ of mandamus and consider their arguments related to the March 6, 2013 net-worth order. The Court grants relators' motion for leave to supplement and will consider relators' reply brief, which addresses the trial court's March 6, 2013 net-worth order, as the supplement to relators' petition for writ of mandamus.

Relators have also now filed a partial motion to dismiss, asserting that the issue raised concerning the independent medical examinations is moot and requesting that the court dismiss that portion of relators' mandamus proceeding.

¹ The underlying case is *Tory House et al. v. The O'Quinn Law Firm, John M. O'Quinn & Associates, LLP, T. Gerald Treece, as Independent Executor and Representative of the Estate of John M. O'Quinn, deceased and Abel Manji*, No. 392247-404, in the Probate Court No. 2 of Harris County, Texas, the Honorable Mike Wood presiding.

Accordingly, we grant relators' partial motion to dismiss. *Cf.* TEX. R. APP. P. 42.1(a)(1). As supplemented, the remainder of the petition for writ of mandamus is **denied**. We dismiss all other pending motions as moot.

PER CURIAM

Panel consists of Justices Keyes, Bland, and Brown.