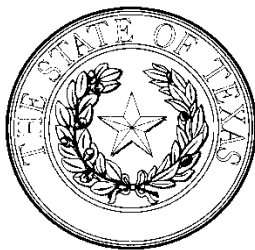


Opinion issued November 10, 2015



In The
Court of Appeals
For The
First District of Texas

NO. 01-15-00566-CV

IN RE VALERO REFINING—TEXAS, L.P., Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, Valero Refining—Texas, L.P., filed a petition for writ of mandamus on June 29, 2015, seeking to compel the trial court to vacate its order reaffirming the original trial judge’s order granting a new trial in the underlying lawsuit.¹ On

¹ The Honorable Patricia Grady, Judge of the 212th District Court of Galveston County, Texas, Respondent. The underlying lawsuit is *Vernon Fox and Mikki Fox v. Valero Refining—Texas, L.P.*, No. 12CV1541 (212th Dist. Ct., Galveston Cnty., Tex.).

September 16, 2015, we abated the mandamus proceeding to allow the trial court the opportunity to provide its reasons for reaffirming the original trial judge’s order granting a new trial. *See, e.g., In re Columbia Med. Ctr. of Las Colinas, Subsidiary, L.P.*, 290 S.W.3d 204, 214 (Tex. 2009) (orig. proceeding) (stating that when successor trial judge enters order reaffirming granting of motion for new trial, “[t]hat order is effectively an order refusing to enter judgment on the jury verdict and affects the rights of the parties no less than did the orders of the original judge”); *In re Baylor Med. Ctr. at Garland*, 289 S.W.3d 859, 861 (Tex. 2009) (orig. proceeding) (“[T]he trial court abused its discretion by refusing to enter judgment on the jury verdict and granting a new trial without specifying its reasons for doing so.”). Relator subsequently informed this Court that the trial court had reconsidered the new-trial order and had entered an order reinstating the final take-nothing judgment entered in relator’s favor. Relator filed an unopposed motion to dismiss its mandamus petition as moot on October 21, 2015.

Accordingly, we reinstate the mandamus proceeding and dismiss the petition for writ of mandamus as moot.

PER CURIAM

Panel consists of Justices Keyes, Massengale, and Lloyd.