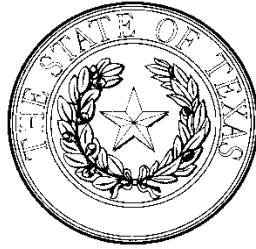


Opinion issued April 26, 2016



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

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NO. 01-16-00111-CV

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**IN RE KURTZ PROPERTIES, LTD., A TEXAS LIMITED PARTNERSHIP,  
AND HOUSTON FOAM PLASTICS, INC., Relators**

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**Original Proceeding on Petition for Writ of Mandamus**

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**MEMORANDUM OPINION**

Relators, Kurtz Properties, Ltd., a Texas Limited Partnership, and Houston Foam Plastics, Inc., filed a petition for writ of mandamus on February 11, 2016, with a motion for temporary relief/stay. Relators' petition seeks to vacate the respondent trial judge's February 4, 2016 order requiring disclosure of relators' trade secret

“customers” and “financial performance” information in the underlying proceeding.<sup>1</sup> On February 16, 2016, this Court granted relators’ motion for temporary relief and ordered that the relators’ duties to respond to any deposition questions or any requests for production of documents relating to the trade secret “customers” and “financial performance” information were stayed pending disposition of their petition, and requested a response to the petition from the real party in interest, Harris County.

On April 8, 2016, relators filed an unopposed motion to dismiss their petition for a writ of mandamus. Relators explain that the parties have settled the underlying discovery dispute by entering into a Rule 11 Agreement by which the relators will produce certain documents that Harris County agrees will constitute compliance with the respondent trial judge’s February 4, 2016 order. Thus, relators request that this Court lift the stay, dismiss their petition as moot, and order that all costs be borne by the party incurring such costs. *See* TEX. R. APP. P. 42.1(a)(1), (d). Although relators’ motion to dismiss does not contain a certificate of conference, the motion contains a certificate of service on counsel for the real party in interest, Harris County, and notes that this motion is not opposed by Harris County. *See* TEX. R. APP. P. 10.1(a)(5), 10.3(a)(2).

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<sup>1</sup> The underlying case is *Harris County, Texas v. Kurtz Properties, Ltd., a Texas Limited Partnership, et al.*, Cause No. 1048525, in the County Civil Court at Law No. 4 of Harris County, Texas, the Honorable Roberta Lloyd presiding.

Accordingly, we lift the stay imposed by this Court's February 16, 2016 order, grant the relators' unopposed motion to dismiss their petition for writ of mandamus as moot, dismiss the petition, and order that all costs be borne by the party incurring the same. *See* TEX. R. APP. P. 42.1(a)(1), (d).

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Keyes and Higley.