

Opinion issued December 22, 2016



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

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NO. 01-16-00757-CV

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**IN RE DM WORKS, LLC, Relator**

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

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**MEMORANDUM OPINION**

Relator, DM Works, LLC, filed a petition for writ of mandamus seeking to vacate the respondent trial court's September 20, 2016 order granting the real party in interest's motion to compel all documents withheld as privileged involving Maria Ngo.<sup>1</sup> This Court requested and received a response from the real party in interest,

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<sup>1</sup> The underlying case is *Dimensional Machine Works, LLC v. DMW, LLC, Do's Vision Investments, LLC, and Do Van Nguyen*, Cause No. 2016-47447, pending in the 151st District Court of Harris County, Texas, the Honorable Mike Engelhart presiding.

Dimensional Machine Works, LLC (“RPI Dimensional”), which also filed a motion to dismiss in this Court.

On October 14, 2016, this Court granted relator’s motion to stay the trial court’s September 20, 2016 order, pending this Court’s disposition of the petition. *See* TEX. R. APP. P. 52.10(b). In a subsequent order on November 29, 2016, this Court granted relator’s new counsel’s motion to stay this Court’s disposition of RPI Dimensional’s motion to dismiss for ten days to allow new counsel time to confer with his client regarding the need for proceeding with this petition.

On December 9, 2016, relator filed a “Motion to Dismiss Mandamus” with a certificate of service on RPI Dimensional’s counsel, but no certificate of conference. *See* TEX. R. APP. P. 10.1(a)(5), 10.3(a)(2), 42.1(a)(1). However, given RPI Dimensional’s motion to dismiss, we conclude that good cause exists to suspend the operation of Rules 10.1(a)(5) and 10.3(a)(2). *See id.* 2.

Accordingly, we lift this Court’s October 14 and November 29, 2016 stay orders, grant relator’s motion, and dismiss this petition. We dismiss RPI Dimensional’s motion to dismiss as moot.

**PER CURIAM**

Panel consists of Justices Keyes, Higley, and Lloyd.