

Opinion issued March 29, 2018



In The
Court of Appeals
For The
First District of Texas

NO. 01-18-00133-CV

IN RE LOWERY WALTER MCNEIL, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, Lowery Walter McNeil, has filed a petition for a writ of mandamus challenging the trial court's February 14, 2018 order denying relator's motion for protection from a discovery subpoena.¹ Relator and real party in interest, Virginia Angel, Trustee for the Gobsmack Gift Trust, representing that the trial court has

¹ The underlying case is *Virginia Angel, Trustee for the Gobsmack Gift Trust v. Kyle Tauch, Mary Barnes, and Piping Rock, L.P.*, No. 2015-43064, in the 127th District Court of Harris County, Texas, the Honorable R.K. Sandill presiding.

signed an agreed order that vacates the February 14, 2018 order and “obviates the need for mandamus relief,” have filed a joint motion to dismiss the petition and order that each party bear its own appellate costs. No opinion has issued. *See* TEX. R. APP. P. 42.1(c).

Accordingly, we grant the motion and dismiss the petition.

PER CURIAM

Panel consists of Justices Jennings, Keyes, and Higley.