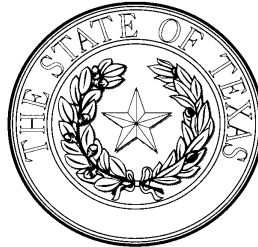


Opinion issued July 22, 2021



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

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NO. 01-20-00550-CV

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**IN RE TRI POINTE HOMES TEXAS, INC.  
F/K/A TRENDMAKER HOMES, INC., Relator**

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

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**MEMORANDUM OPINION**

Relator, Tri Pointe Homes Texas, Inc. f/k/a Trendmaker Homes, Inc., filed a petition for writ of mandamus challenging an order by the trial court appointing an arbitrator.<sup>1</sup> Relator asserts that the parties' agreements require arbitration of the

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<sup>1</sup> The underlying case is *Nick Smith and Megan Smith v. Trendmaker Homes, Inc.*, cause number 19-DCV-260160, pending in the 400th District Court of Fort Bend County, Texas, the Honorable Tameika Carter presiding.

dispute to be conducted by a specific arbitration administrator rather than the arbitrator selected by the court.

Because the challenged order was issued by the former trial court judge, this original proceeding was abated for the successor trial court judge to reconsider the order. *See* TEX. R. APP. P. 7.2(b). The successor judge subsequently issued an order denying reconsideration of the challenged order. Accordingly, we reinstate the original proceeding on the Court's active docket.

Upon consideration of the challenged order and the successor judge's order denying reconsideration, the petition for writ of mandamus is denied. We lift the stay imposed by our order issued on December 23, 2020. Any pending motions are dismissed as moot.

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Landau and Countiss.