

Opinion issued September 2, 2021



In The
Court of Appeals
For The
First District of Texas

NO. 01-21-00001-CV

IN RE STATEN ISLAND MARINE DEVELOPMENT, LLC, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

On January 3, 2021, relator, Staten Island Marine Development, LLC, filed a petition for a writ of mandamus challenging the trial court's December 14, 2020 Order Compelling Discovery and requesting that we direct the trial court to amend its order.¹ The December 14, 2020 Order Compelling Discovery was signed by the

¹ The underlying case is *Kinder Morgan Liquids Terminals LLC v. Staten Island Marine Development LLC*, Cause No. 2020-20292, in the 164th District Court of Harris County, Texas, the Honorable C. Elliott Thornton presiding.

Honorable Michael Landrum. At the time relator filed its petition for writ of mandamus, Judge Landrum ceased to hold the office of judge of the 164th District Court of Harris County, Texas, and was succeeded by the Honorable C. Elliott Thornton.

Accordingly, on January 3, 2021, we abated this original proceeding and remanded to the trial court to allow Judge Thornton an opportunity to reconsider the ruling made the basis of relator's petition. *See* TEX. R. APP. P. 7.2(b). On March 30, 2021, the trial court entered an order "re-affirm[ing] in full" the December 14, 2020 Order Compelling Discovery. On April 29, 2021, relator filed a "Motion to Reinstate Petition for Writ of Mandamus and Emergency Motion for Temporary Relief (Motion to Stay Pending the Petition)." On April 30, 2021, we reinstated this original proceeding to the Court's active docket.

In its April 29, 2021 motion, relator further sought emergency temporary relief "in the form of a stay of any discovery obligations set forth in the [trial] court pending th[is] Court's disposition" of relator's mandamus petition. In our April 30, 2021 order, we granted relator's request for emergency relief in part, staying relator's obligation to respond to "Interrogatories 4, 5, 6, 7, 8, and 10 and Requests for Production 3, 5, 6, 7, 8, 10, 11, and 12" pending resolution of [relator's] petition for writ of mandamus. *See* TEX. R. APP. P. 52.10(b).

We deny relator's petition for writ of mandamus, and lift the stay imposed by our April 30, 2021 order. Any pending motions are dismissed as moot.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Rivas-Molloy and Guerra.