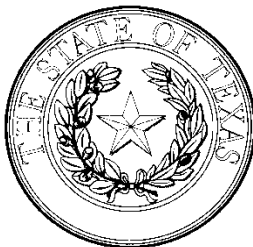


Opinion issued October 12, 2021



In The
Court of Appeals
For The
First District of Texas

NO. 01-21-00267-CV

IN RE DD&S LOGISTICS, INC. AND JEFFERY RECORD, Relators

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

On May 24, 2021, relators, DD&S Logistics, Inc. and Jeffery Record, filed a petition for writ of mandamus.* On June 18, after we requested a response and granted a stay of the underlying proceedings, relators notified the Court that the underlying case had been resolved and that they would seek to dismiss their petition.

* The underlying case is *Robert Wooten v. DD&S Logistics, Inc., Jeffery Record, and William Fry.*, cause number 2019-78045, pending in the 234th District Court of Harris County, Texas, the Honorable Lauren Reeder presiding.

On September 28, relators filed a motion to dismiss, stating that the parties resolved their dispute and that their petition for writ of mandamus is now moot. Although relators failed to include a certificate of conference in their motion, relators' motion includes a certificate of service, more than 10 days have passed since the motion was filed, and no party has responded to the motion. *See* TEX. R. APP. P. 10.1(a)(5), 10.3(a).

Accordingly, we withdraw our June 8, 2021 order granting a stay, grant relators' motion, and dismiss the petition for writ of mandamus. *See* TEX. R. APP. P. 42.1(a)(1), 52.8(a). We dismiss any pending motions as moot.

PER CURIAM

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