

Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed August 31, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00023-CV

IN RE UNITED PRODUCTION & CONSTRUCTION SERVICES, INC., Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS**

MEMORANDUM OPINION

In this original proceeding, relator United Production & Construction Services, Inc. (hereinafter "United") seeks a writ of mandamus ordering the respondent, the Honorable Alexandra Smoots-Hogan (1) to vacate her order denying United's amended motion to dismiss for forum non conveniens, (2) to grant this motion, and (3) to dismiss all claims by real party in interest Robert Guthrie against United. On May 13, 2010, we abated this mandamus proceeding to allow the trial court an opportunity to rule on any amended motion to dismiss for forum non conveniens filed by United.

The trial court has granted United's Second Amended Motion to Dismiss for Forum Non Conveniens and dismissed Guthrie's suit, without prejudice to his right to refile in a court of proper venue and jurisdiction.

We reinstate this original proceeding and order the petition for writ of mandamus dismissed as moot. Further, United's Motion to Lift Stay for Independent Medical Evaluation is denied as moot.

PER CURIAM

Panel consists of Justices Frost, Boyce, and Sullivan.