

**Motion Granted; Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed December 10, 2010.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-10-00760-CV**

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**IN RE GARLAND D. ANDERSON, M.D., RANDALL J. URBAN, M.D., BILLY U. PHILLIPS, PH.D., VINCENTE A. RESTO, M.D., HENRY F. EPSTEIN, M.D., DAVID H. WALKER, M.D., COURTNEY M. TOWNSEND, JR., M.D., ROBERT M. HIRSCHFELD, M.D., AND THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON, Relators**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS**

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**MEMORANDUM OPINION**

Relators Garland D. Anderson, M.D., Randall J. Urban, M.D., Billy U. Phillips, Ph.D., Vincente A. Resto, M.D., Henry F. Epstein, M.D., David H. Walker, M.D., Courtney M. Townsend, Jr., M.D., Robert M. Hirschfeld, M.D., and The University of Texas Medical Branch at Galveston have filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. §22.221 (Vernon 2004); *see also* Tex. R. App. P. 52.

In the petition, relators ask this court to compel the Honorable C.G. Dibrell, III, presiding judge of County Court at Law No. 2 of Galveston County, to set aside his amended order, signed January 7, 2010, granting real parties in interest's verified petition for an order authorizing the taking of presuit depositions to investigate a potential claim or suit, and his order, signed August 2, 2010, denying relators' motion for reconsideration and directing relators to appear for the depositions in compliance with the January 7, 2010 order.

Real parties in interest have filed an unopposed motion to dismiss this original proceeding as moot because the underlying case has been nonsuited. Relators' request for relief in connection with the presuit depositions is now moot. The motion is granted.

Accordingly, relators' petition for writ of mandamus is ordered dismissed. The stay imposed by this court's order issued on August 19, 2010, is lifted.

PER CURIAM

Panel consists of Justices Anderson, Frost, and Brown.