

Motion Granted; Petition for Writ of Mandamus Dismissed; and Memorandum Opinion filed November 3, 2011.



In The

Fourteenth Court of Appeals

NO. 14-11-00835-CV

IN RE VANGUARD NATURAL RESOURCES, LLC, ENCORE ENERGY PARTNERS LP, ENCORE ENERGY PARTNERS GP LLC, SCOTT W. SMITH, RICHARD A. ROBERT, DOUGLAS PENCE, W. TIMOTHY HAUSS, DAVID C. BAGGETT, JOHN E. JACKSON, and MARTIN G. WHITE, Relators

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
125th District Court
Harris County, Texas
Trial Court Cause No. 2011-19340**

MEMORANDUM OPINION

On September 27, 2011, relators, Vanguard Natural Resources, LLC, Encore Energy Partners LP, Encore Energy Partners GP, Scott W. Smith, Richard A. Robert, Douglas Pence, W. Timothy Hauss, David C. Baggett, John E. Jackson, and Martin G. White, filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code § 22.221. Relators asked this court to direct the Honorable Kyle Carter, presiding Judge of the 125th District Court of Harris County, to set aside his order signed August 31, 2011, denying

relators' motion to stay the underlying litigation in favor of parallel litigation pending in Delaware and to grant the stay.

On October 27, 2011, relators filed an unopposed motion to dismiss their petition for writ of mandamus. In the motion, relators state that the parties have resolved the issue in this original proceeding, and on October 21, 2011, the trial court signed an agreed order staying its proceedings.

We grant the motion and order relators' petition for writ of mandamus dismissed. We further order that all costs are to be borne by the party incurring those costs.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Anderson and Christopher.