

**Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed
May 28, 2015.**



In The

Fourteenth Court of Appeals

NO. 14-15-00333-CV

**IN RE JOSE GOMEZ AND EDUARDO GOMEZ, INDIVIDUALLY AND AS
FORMER REPRESENTATIVES OF MCCARTY TRUCK WASH & LUBE,
INC., GOMEZ MCCARTY TRUCK WASH & LUBE, INC. F/K/A
MCCARTY TRUCK WASH & LUBE, INC., AND BROTHERS TIRE
SERVICES, INC. D/B/A MCCARTY TRUCK WASH, LUBE & TIRES,
Relators**

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
215th District Court
Harris County, Texas
Trial Court Cause No. 2010-56104**

MEMORANDUM OPINION

On April 14, 2015, relators Jose Gomez and Eduardo Gomez, Individually and as Former Representatives of McCarty Truck Wash & Lube, Inc., Gomez

McCarty Truck Wash & Lube Inc. f/k/a McCarty Truck Wash & Lube, Inc., and Brothers Tire Services, Inc. d/b/a McCarty Truck Wash, Lube & Tires filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (West 2004); *see also* Tex. R. App. P. 52. In the petition, relator ask this court to compel the Honorable Elaine Palmer, presiding judge of the 215th District Court of Harris County, to set aside her December 24, 2014 order, granting real parties in interest's motion to strike relators' affirmative defenses.

On May 19, 2015, relators filed a motion to dismiss this original proceeding because the parties have settled the underlying case. Relators' requested relief is now moot. The motion is granted.

Accordingly, relators' petition for writ of mandamus is ordered dismissed. We also lift our stay entered on May 5, 2015.

PER CURIAM

Panel consists of Justices Christopher, Brown, and Wise.