

Petition for Writ of Mandamus and Motion for Leave to File Documents under Seal Dismissed, Emergency Motion to Enforce this Court’s Stay Order Denied, and Memorandum Opinion filed April 2, 2018.



In The

Fourteenth Court of Appeals

NO. 14-18-00136-CV

IN RE CHRISTOPHER J. RUSSO, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
295th District Court
Harris County, Texas
Trial Court Cause No. 2016-24818**

MEMORANDUM OPINION

On February 21, 2018, relator Christopher J. Russo filed a petition for writ of mandamus in this court. *See* Tex. Gov’t Code Ann. § 22.221 (West Supp. 2017); *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the Honorable Caroline Baker, presiding judge of the 295th District Court of Harris County, to vacate her February 12, 2018 order, which compels relator to produce 1,538 documents, for

which relator has asserted a Fifth Amendment of the United States Constitution act-of-production privilege. Relator has submitted documents in camera and also has filed a motion for leave to file these documents with our court under seal.

On February 22, 2018, this court issued an order staying the February 12, 2018 order.

Relator also has filed an emergency motion to enforce this court's stay order. We deny this motion.

On March 1, 2018, Judge Baker vacated her February 12, 2018 order, which renders moot both relator's petition for writ of mandamus to compel Judge Baker to vacate that order and relator's pending motion to file documents under seal.¹

Accordingly, we dismiss as moot relator's petition for writ of mandamus and relator's motion for leave to file documents under seal.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Christopher and Jamison.

¹ See *In re Lexington Ins. Co.*, No. 14-11-00681-CV, 2011 WL 3925567, at *1 (Tex. App.—Houston [14th Dist.] Sept. 8, 2011, orig. proceeding) (mem. op.) (because the order compelling discovery that is the subject of this proceeding has been vacated, the original proceeding is moot); *In re Diaz*, No. 01-17-00868-CV, 2017 WL 6327365, at *1 (Tex. App.—Houston [1st Dist.] Dec. 12, 2017, orig. proceeding) (per curiam) (mem. op.) (dismissing mandamus proceeding as moot after the trial court vacated its order compelling discovery that was the subject of the proceeding); *In re County of El Paso*, 104 S.W.3d 741, 743 (Tex. App.—El Paso 2003, orig. proceeding) (discovery issues brought in petition for mandamus were rendered moot when after filing of petition, the trial court vacated its order).