

**Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed
August 15, 2019.**



In The

Fourteenth Court of Appeals

NO. 14-19-00484-CV

IN RE SPRINT SAND AND CLAY, LLC, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
11th District Court
Harris County, Texas
Trial Court Cause No. 2018-66557**

MEMORANDUM OPINION

On June 18, 2019, relator Sprint Sand and Clay, LLC filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (Supp.); *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the Honorable Kristen Brauchle Hawkins, presiding judge of the 11th District Court of Harris

County, to vacate a portion of her order dated June 11, 2019, which grants in part and denies in part plaintiffs' motions to compel. Plaintiffs are the real parties-in-interest, John Earl Ellisor, et al., in the underlying lawsuit. Relator is one of several named defendants in the suit.

On July 24, 2019, real parties in interest/ plaintiffs filed a letter with this court, stating that they had filed a notice of non-suit of their suit against relator and, as a result, this mandamus proceeding is now moot. Enclosed with the letter is a copy of the motion for nonsuit of the claims against relator, with a file-stamp showing that the motion was filed in the underlying case on July 24, 2019. This motion states that real parties in interest/plaintiffs wish to dismiss all claims against relator. A notice of nonsuit is effective without a court order immediately when the notice is filed. *Texas Dep't of Aging & Disability Servs. v. Cannon*, 453 S.W.3d 411, 418 n.13 (Tex. 2015).

On July 31, 2019, real parties in interest filed a motion asking this court to dismiss this mandamus proceeding, arguing that relator's petition for mandamus relief is moot because they have non-suited all their claims against relator.

We GRANT the motion and DISMISS relator's petition for writ of mandamus as moot.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Spain and Poissant.