

**Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed
November 15, 2022.**



In The

Fourteenth Court of Appeals

NO. 14-22-00397-CV

IN RE RAYMOND CHOATE AND KELLY MALLADY, Relators

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
County Civil Court at Law No. 1
Harris County, Texas
Trial Court Cause No. 1180192**

MEMORANDUM OPINION

On June 6, 2022, relators Raymond Choate and Kelly Mallady filed a petition for writ of mandamus in this Court. *See* Tex. Gov't Code Ann. § 22.221; *see also* Tex. R. App. P. 52. In the petition, relators ask this Court to compel the Honorable Audrie Lawton-Evans, presiding judge of the County Civil Court at Law No. 1 of Harris County, to vacate the trial court's April 12, 2022 order compelling relator Choate's examination under oath.

On October 18, 2022, real party in interest Homeowners of America Insurance Company filed a supplemental response to relators’ petition for writ of mandamus that advised this Court that on October 18, 2022, relators filed a “notice of Transfer of Tag Along Case Under Rule 13, Rules of Judicial Administration,” which operates to transfer the underlying case to the multidistrict litigation pretrial court. Thus, the real party in interest contends that this Court no longer has jurisdictional capacity to act on the relief in the mandamus that the relators seek. The real party in interest requests that this Court deny and/or dismiss relators’ petition for writ of mandamus.

Relators have not contested or otherwise opposed the status of the underlying proceedings as set forth by the real party in interest.

We conclude that the transfer of the underlying case to the multidistrict litigation pretrial court renders the relief requested in the mandamus petition moot. As such, we dismiss relators’ petition for writ of mandamus as moot.

PER CURIAM

Panel consists of Justices Zimmerer, Spain, and Poissant.