

Motion Granted; Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed December 13, 2022.



In The

Fourteenth Court of Appeals

NO. 14-22-00791-CV

IN RE FECON, INC., Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
269th District Court
Harris County, Texas
Trial Court Cause No. 2019-69076**

MEMORANDUM OPINION

On October 27, 2022, relator Fecon, Inc. 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, relator asks this Court to compel the Honorable Corey Don Sepolio, presiding judge of the 269th District Court of Harris County, to vacate the trial court's February 18 and February 24, 2022 orders finding that

“Plaintiffs have demonstrated a substantial likelihood of success on their claims for exemplary damages in accordance with CPRC chapter 41.”

On December 5, 2022, relator and the real party in interest filed a joint motion to dismiss the petition for writ of mandamus without prejudice, advising this Court that they had resolved all claims in the underlying lawsuit. The parties request that this Court dismiss relator’s petition for writ of mandamus.

Accordingly, we grant the joint motion to dismiss the petition for writ of mandamus. Relator’s petition for writ of mandamus is dismissed. Additionally, we lift our stay order of November 1, 2022.

PER CURIAM

Panel consists of Chief Justice Christopher and Justices Zimmerer and Wilson.