

**Petition for Writ of Mandamus Denied and Memorandum Opinion filed
December 20, 2022.**



In The

Fourteenth Court of Appeals

NO. 14-22-00845-CV

**IN RE ELAINE T. MARSHALL, AS TRUSTEE OF THE MARSHALL
GRANDCHILDREN'S TRUST, Relator**

ORIGINAL PROCEEDING

WRIT OF MANDAMUS

Probate Court No. 4

Harris County, Texas

Trial Court Cause No. 443,778

MEMORANDUM OPINION

On November 15, 2022, relator Elaine T. Marshall, as Trustee of the Marshall Grandchildren's Trust filed in this Court a petition for writ of mandamus as well as a motion to stay the underlying trial. *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 James Horwitz, presiding judge of the Probate Court No. 4

of Harris County, to vacate portions of the trial court's November 1, 2022 order that pre-admitted two trial exhibits in favor of the real party in interest.

On November 17, 2022, this Court denied relator's motion to stay the underlying trial, which was set to commence on November 28, 2022.

On December 14, 2022, counsel for the real party in interest notified this Court by letter that the underlying case had proceeded to trial, resulting in a jury verdict on December 9, 2022. The real party in interest attached a copy of the jury verdict to his letter as an exhibit. The real party in interest maintains that this development renders moot the relief sought in relator's mandamus petition as well as any request for response from the real party in interest. This Court agrees.

Relator has not established that she is entitled to mandamus relief. Accordingly, we deny relator's petition for writ of mandamus.

PER CURIAM

Panel consists of Justices Wise, Jewell, and Poissant.