

*Court Of Appeals  
Fourth Court of Appeals District of Texas  
San Antonio*



**MEMORANDUM OPINION**

No. 04-10-00014-CV

**IN RE NRG ENERGY, INC.**

Original Mandamus Proceeding<sup>1</sup>

PER CURIAM

Sitting: Karen Angelini, Justice  
Steven C. Hilbig, Justice  
Marialyn Barnard, Justice

Delivered and Filed: January 20, 2010

PETITION FOR WRIT OF MANDAMUS DENIED

On January 8, 2010, relator filed a petition for writ of mandamus and an emergency motion for stay. The court has considered relator's petition for writ of mandamus, the emergency motion, and real party in interest's response and is of the opinion that relator is not entitled to the relief sought. Accordingly, the petition for writ of mandamus and the emergency motion for stay are DENIED. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM

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<sup>1</sup>[□](#) This proceeding arises out of Cause No. 2009-CI-19492, styled *The City of San Antonio, Texas, Acting By and Through the City Public Service Board of San Antonio, A Texas Municipal Utility vs. Toshiba Corporation; NRG Energy, Inc., et. al.*, in the 37th Judicial District Court, Bexar County, Texas, the Honorable David A. Berchelmann presiding. However, the order complained of was signed by the Honorable Larry Noll, presiding judge of the 408th Judicial District Court, Bexar County, Texas.