

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



MEMORANDUM OPINION

No. 04-10-00101-CV

**IN RE KB HOME LONE STAR INC., KB HOME LONE STAR LP, KBSA, INC., AND
KB HOME HOLDINGS INC.**

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Santee Bryan Marion, Justice
Steven C. Hilbig, Justice

Delivered and Filed: April 28, 2010

PETITION FOR WRIT OF MANDAMUS DISMISSED

On April 21, 2010, relators filed an unopposed motion to dismiss, asking this court to dismiss this mandamus proceeding as moot because the parties settled the underlying case in mediation on April 13, 2010. Accordingly, relators' petition for writ of mandamus is DISMISSED AS MOOT.

See TEX. R. APP. P. 42.1(a)(1).

PER CURIAM

¹[\[a\]](#) This proceeding arises out of Cause No. 2009-CI-07801, styled *Christopher Suwanski and Valerie Leibold vs. KB Home Lone Star LP, et al.*, pending in the 285th Judicial District Court, Bexar County, Texas, the Honorable Michael Peden presiding. However, the order complained of was signed by the Honorable Peter Sakai, presiding judge of the 225th Judicial District Court, Bexar County, Texas.