



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-23-00381-CV

IN RE CENTRAL FREIGHT LINES, INC. and Jaime Rodriguez

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: June 21, 2023

PETITION FOR WRIT OF MANDAMUS DISMISSED

On April 18, 2023, Relators filed a petition for writ of mandamus and an emergency motion for temporary relief. Relators' petition sought to vacate the trial court's March 28, 2023 order which excluded some of Relators' proffered evidence. The emergency motion asked this court to stay the trial court's May 1, 2023 trial setting pending final disposition of Relators' petition for writ of mandamus.

On April 24, 2023, we granted Relators' request for a stay, and we requested a response.

On June 7, 2023, Real Parties in Interest filed an *unopposed* motion to dismiss this mandamus proceeding as moot. They explained that, in the underlying case, Real Parties in Interest withdrew their previous objections to Relators' proffered evidence, and they moved the

¹ This proceeding arises out of Cause No. 2019-CI-09847, styled *Betty Lukasiewicz, Individually and as Next Friend of C.L., a Minor v. Jamie Rodriguez and Central Freight Lines, Inc.*, pending in the 150th Judicial District Court, Bexar County, Texas, the Honorable Nadine Melissa Nieto presiding.

trial court to vacate is March 28, 2023 order. The trial court granted Real Parties in Interest's motion, it vacated the order Relators had complained of, and it expressly allows Relators to offer at trial the previously excluded exhibits.

We grant Real Parties in Interest's *unopposed* motion to dismiss Relators' petition for writ of mandamus as moot, and we vacate our April 24, 2023 order which stayed the trial setting.

PER CURIAM