

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-20-00215-CV

IN RE GREAT AMERICAN INSURANCE COMPANY OF NEW YORK

Original Proceeding
284th District Court of Montgomery County, Texas
Trial Cause No. 20-02-02039

MEMORANDUM OPINION

In this original proceeding for a writ of mandamus, Great American Insurance Company of New York (“Great American”) contends the trial court abused its discretion by overruling Great American’s assertion of attorney-client privilege regarding the production of a document that Great American submitted to the trial court for in camera inspection. In its response to the mandamus petition, Nationwide Mutual Insurance Company (“Nationwide”), the real party in interest, informs this Court that the trial court signed a final judgment on October 2, 2020, disposing of

all claims and counterclaims in the case, and suggesting the mandamus is moot. Great American did not respond to Nationwide's suggestion of mootness.

Generally, the signing of a final judgment moots a mandamus proceeding that concerns production of evidence in the underlying case. *See In re Jennings*, No. 10-17-00247-CV, 2017 WL 4542994, at *1 (Tex. App.—Waco Oct. 11, 2017, orig. proceeding) (mem. op.) (final judgment mooted trial court's denial of motion for genetic testing). Although provided an adequate opportunity to respond, Great American does not contest Nationwide's suggestion of mootness. We therefore dismiss the mandamus proceeding as moot without reference to the merits.

PETITION DISMISSED.

PER CURIAM

Submitted on October 5, 2020
Opinion Delivered December 17, 2020

Before Kreger, Horton and Johnson, JJ.