

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-18-00069-CV

In re Hagy Custom Homes, Inc.

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Relator Hagy Custom Homes, Inc. has filed a petition for writ of mandamus asking this Court to vacate the trial court's order denying Hagy Custom Homes, Inc.'s motion for continuance and to order the trial court to grant the continuance. *See* Tex. Gov't Code § 22.221; *see also* Tex. R. App. P. 52.1. At the same time, the relator filed a motion for temporary emergency relief to stay the trial set for February 5, 2018. *See* Tex. R. App. P. 52.10. Having reviewed the petition, the record, and the response of the real parties in interest, we hold that the trial court did not abuse its discretion by denying the motion for continuance.¹ Therefore, we deny the mandamus petition, *see id.* R. 52.8(a), and the motion for temporary emergency relief.

¹ The relator sought a continuance in part to conduct mandatory additional discovery under Texas Rule of Civil Procedure 190.5 after disclosure of a new medical provider. In relator's motion for continuance, it sought only medical records from the provider, not additional depositions. The medical records were provided after this mandamus was filed, mooting the issue. *See In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex.2005) ("A case becomes moot if a controversy ceases to exist between the parties at any stage of the legal proceedings . . .").

Scott K. Field, Justice

Before Chief Justice Rose, Justices Goodwin and Field

Filed: February 2, 2018