

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-19-00798-CV

**In re WC 1st and Trinity, LP; WC 1st and Trinity GP, LLC; WC 3rd and Congress, LP;
and WC 3rd and Congress GP, LLC**

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

This original proceeding arises out of a commercial arbitration between relators WC 1st and Trinity, LP; WC 1st and Trinity, GP, LLC; WC 3rd and Congress, LP; and WC 3rd and Congress GP, LLC, and real party in interest, the Roy F. & JoAnn Cole Mitte Foundation (Mitte). The arbitrator appointed a receiver over the limited partnerships, and the district court rendered an order confirming the appointment (Confirmation Order). Appellants filed an interlocutory appeal and this petition for mandamus relief. While the appeal and original proceeding were pending, the district court rendered an order appointing a receiver over the same entities and properties covered by the Confirmation Order (Appointment Order).

In a separate decision today, we dismissed the appeal of the Confirmation Order for want of jurisdiction and affirmed the Appointment Order. *See WC 1st & Trinity, LP v. Roy F. & JoAnn Cole Mitte Found.*, Nos. 03-19-00799-CV, 03-19-00905, 2021 WL ___, ___ (Tex. App.—Austin Sept. 30, 2021, no pet. h.) (mem. op.). Our decision affirming the Appointment Order has rendered this original proceeding moot because we cannot grant any relief that would affect the validity of the receivership over the limited partnerships or their properties. *See Electric Reliability*

Council of Tex., Inc. v. Panda Power Generation Infrastructure Fund, LLC, 619 S.W.3d 628, 635 n.9 (Tex. 2021) (“Put simply, a case is moot when the court’s action on the merits cannot affect the parties’ rights or interests.” (citing *Heckman v. Williamson County*, 369 S.W.3d 137, 162 (Tex. 2012))). When a case becomes moot, we must dismiss the case for want of jurisdiction. *Heckman*, 369 S.W.3d at 162. Accordingly, we dismiss the petition for writ of mandamus for want of jurisdiction.¹

Edward Smith, Justice

Chief Justice Byrne, Justices Baker and Smith

Dismissed for Want of Jurisdiction

Filed: September 30, 2021

¹ We dismiss all pending motions as moot.