



NUMBER 13-08-00494-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE HEI RESOURCES, INC.,
R. D. TUSETH, RICK STRATTON, AND STEVEN HEARNE

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

Before Chief Justice Valdez and Justices Yañez and Benavides
Memorandum Opinion Per Curiam¹

Relators, HEI Resources, Inc., R. D. Tuseth, Rick Stratton, and Steven Hearne, filed a petition for writ of mandamus, a motion to seal records, and an emergency motion for temporary relief in the above cause on August 18, 2008. That same day, this Court: (1) granted the emergency motion for temporary relief and ordered stayed the trial court's order of August 6, 2008; (2) granted the motion to seal records; and (3) requested that the real party in interest, S. Lavon Evans, Jr. Operating Company, by and through counsel, file

¹ See TEX. R. APP. P. 52.8(d) ("When denying relief, the court may hand down an opinion but is not required to do so."); TEX. R. APP. P. 47.4 (distinguishing opinions and memorandum opinions).

a response to relators' petition for writ of mandamus on or before the expiration of ten days from the date of that order. The real party in interest has duly filed its response and relators have filed a reply thereto.

The Court, having examined and fully considered the petition for writ of mandamus, the record and the sealed documents filed herein, the response, and the reply thereto, is of the opinion that relators have not shown themselves entitled to the relief sought. Accordingly, the stay previously imposed by this Court is ordered LIFTED and the petition for writ of mandamus is DENIED. See TEX. R. APP. P. 52.8(a), 52.10(b).

Documents which were filed herein under seal may be retrieved by the party filing same. Pending motions, if any, are dismissed as moot.

PER CURIAM

Memorandum Opinion delivered and
filed this 8th day of October, 2008.