



NUMBER 13-08-00621-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE EVANSTON INSURANCE COMPANY

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

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

Relator, Evanston Insurance Company, filed a petition for writ of mandamus and a motion for emergency stay in this cause on November 6, 2008. Relator argued that the trial court abused its discretion in ordering privileged documents to be entered into evidence at trial, and accordingly, asked this Court to stay the trial.

The Court granted the motion for emergency stay, in part, insofar as the trial court's order allowing the specified documents to be entered into evidence was ordered stayed pending further order of this Court, or until the case is finally decided, and denied the

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).

motion for emergency stay, in part, insofar as the trial could continue pending further action by this Court. The Court requested that the real party in interest, Maria F. Pineda, individually and d/b/a San Luis Mexican Restaurant, by and through counsel, file a response to relator's petition for writ of mandamus on or before 9:00 a.m., Friday, November 7, 2008. By correspondence of that date, the real party in interest informed the Court that the trial court withdrew the ruling that is the subject of this petition for writ of mandamus, and "Relator and Real Party in Interest believe that the relief requested in the Petition for Writ of Mandamus . . . is now moot."

The Court, having examined and fully considered the petition for writ of mandamus and the subsequent events relating thereto, is of the opinion that the petition for writ of mandamus should be dismissed. Accordingly, the stay previously imposed by this Court is LIFTED. See TEX. R. APP. P. 52.10(b) ("Unless vacated or modified, an order granting temporary relief is effective until the case is finally decided."). The petition for writ of mandamus is DISMISSED.

PER CURIAM

Memorandum Opinion delivered and
filed this 10th day of November, 2008.