



NUMBER 13-10-00041-CV
COURT OF APPEALS
THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI - EDINBURG

PAULA WYATT AND WYATT LAW FIRM, LTD., **Appellants,**

v.

ADRIAN CASTRO, **Appellee.**

**On appeal from the 94th District Court
of Nueces County, Texas.**

MEMORANDUM OPINION¹

**Before Justices Rodriguez, Benavides, and Vela
Memorandum Opinion Per Curiam**

This is an interlocutory appeal from an order denying a motion to arbitrate. See TEX. CIV. PRAC. REM. CODE ANN. § 171.098(a)(1) (Vernon 2005). On April 22, 2009, appellee Adrian Castro sued appellants Paula Wyatt and Wyatt Law Firm, Ltd. (Wyatt) alleging that Wyatt illegally solicited an attorney employment contract in his underlying

¹As this is a memorandum opinion and because all issues of law presented by this case are well settled and the parties are familiar with the facts, we will not recite the law and the facts in this opinion except as necessary to advise the parties of the Court's decision and the basic reasons for it. See TEX. R. APP. P. 47.4.

lawsuit. Wyatt filed a motion to stay the case and to compel arbitration on the basis of an arbitration provision contained in the contract. On January 13, 2010, the trial court granted Wyatt's motion and compelled Castro to submit his dispute to arbitration, but later reconsidered its ruling, vacated its prior order, and issued an order denying Wyatt's motion to compel. Wyatt simultaneously filed a motion for reconsideration in the trial court and an interlocutory appeal in this Court, each challenging the trial court's order denying arbitration.

Subsequently, we abated the appeal and remanded the cause for the trial court to address Wyatt's motion for reconsideration. On November 12, 2010, after hearing Wyatt's motion, the trial court entered an order (1) vacating its January 13, 2010 order that denied Wyatt's motion to stay and compel arbitration; (2) granting Wyatt's motion for reconsideration; (3) staying the trial cause; and (4) compelling the parties to arbitration. The appellate record was supplemented with this order, and we reinstated the appeal on December 1, 2010.

On December 6, 2010, Wyatt filed a motion to dismiss the appeal as moot and to affirm the trial court's order granting arbitration. Having considered the motion and the trial court's November 12, 2010 order, we, hereby, grant Wyatt's motion, in part, to the extent it requests that the appeal be dismissed as moot and deny the motion, in part, to the extent it requests that we affirm the trial court's order granting arbitration.

Accordingly, we dismiss the appeal as moot. See TEX. R. APP. P. 43.2(f).

PER CURIAM

Delivered and filed the 16th
day of December, 2010.