



NUMBER 13-16-00437-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE KRAGE & JANVEY, L.L.P.

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Garza and Longoria
Memorandum Opinion¹ Per Curiam**

Relator, Krage & Janvey, L.L.P., filed a petition for writ of mandamus in the above cause on August 2, 2016 seeking to transfer venue of the underlying case from Nueces County, Texas to Collin County, Texas. The Court requested that the real parties in interest, Joyce C. Zarsky, individually and in her capacity as executrix of the Estate of Clifford Zarsky, Zarsky General Partner, L.L.C., and Rex Moses, or any others whose interest would be directly affected by the relief sought, file a response to the petition. The parties have now filed an agreed joint motion to dismiss this original proceeding.

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).

According to the motion, the real parties have filed a notice of nonsuit as to “all claims and causes of action” against relator and thus the issues in this original proceeding have been rendered moot.

The Court, having examined and fully considered the petition for writ of mandamus and the agreed motion to dismiss, is of the opinion that this matter has been rendered moot. See *In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005) (orig. proceeding) (“A case becomes moot if a controversy ceases to exist between the parties at any stage of the legal proceedings.”); *State Bar of Tex. v. Gomez*, 891 S.W.2d 243, 245 (Tex. 1994) (stating that, for a controversy to be justiciable, there must be a real controversy between the parties that will be actually resolved by the judicial relief sought). Accordingly, the Court GRANTS the agreed motion to dismiss and DISMISSES the petition for writ of mandamus as moot. See TEX. R. APP. P. 52.8(a). This dismissal is without prejudice to refiling if necessary.

PER CURIAM

Delivered and filed the
6th day of September, 2016.