



NUMBER 13-17-00504-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE DEL NORTE FOODS, INC.

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Justices Rodriguez, Benavides, and Longoria
Memorandum Opinion by Justice Rodriguez¹**

On September 14, 2017, Del Norte Foods, Inc. (Del Norte) filed a petition for writ of mandamus and a motion for temporary relief. Through this original proceeding, Del Norte contends that the trial court abused its discretion by denying Del Norte's motion for a physical examination of the real party in interest, Ramon Oyervides. *See generally* TEX. R. CIV. P. 204.1 (delineating the requirements for motions and orders pertaining to physical or mental examinations). This Court requested and received a response to 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. When granting relief, the court must hand down an opinion as in any other case."); TEX. R. APP. P. 47.4 (distinguishing opinions and memorandum opinions).

petition for writ of mandamus from Oyervides. Del Norte has now filed a motion to dismiss this original proceeding on grounds that the parties have settled and compromised the underlying case and, therefore, Del Norte no longer wishes to pursue its petition for writ of mandamus.

The Court, having examined and fully considered Del Norte's motion to dismiss, is of the opinion that it should be granted. Accordingly, the Court GRANTS Del Norte's motion to dismiss and DISMISSES this cause as moot without reference to the merits thereof. Pending motions are likewise DISMISSED as moot. See TEX. R. APP. P. 52.8(a).

NELDA V. RODRIGUEZ
Justice

Delivered and filed the 6th
day of December, 2017.