



NUMBER 13-19-00120-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

**IN RE JOHN CHRISTNER TRUCKING, LLC
AND STEPHEN SPRAGUE**

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Chief Justice Contreras and Justices Benavides and Hinojosa
Memorandum Opinion by Justice Hinojosa¹**

Relators John Christner Trucking, LLC and Stephen Sprague have filed an unopposed motion to dismiss this original proceeding. According to the motion, relators and the real parties in interest, Michael Ladd, Christopher Ladd, and Stephen Bryson, as next friend of his minor son E.B., have reached a settlement agreement that will resolve

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."); see *also id.* R. 47.4 (distinguishing opinions and memorandum opinions).

their claims in the underlying lawsuit and the issues raised in relators' petition for writ of mandamus are now moot.

The Court, having examined and fully considered the petition for writ of mandamus and the unopposed motion to dismiss, is of the opinion that this matter has been rendered moot. See *City of Krum, Tex. v. Rice*, 543 S.W.3d 747, 749 (Tex. 2017) (per curiam) (stating that a case is moot when either no live controversy exists between the parties or the parties have no legally cognizable interest in the outcome); *Heckman v. Williamson Cty.*, 369 S.W.3d 137, 162 (Tex. 2012) ("Put simply, a case is moot when the court's action on the merits cannot affect the parties' rights or interests."); *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, including the appeal."). Accordingly, we lift the stay previously imposed in this case. 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."). We grant the unopposed motion to dismiss and we dismiss the petition for writ of mandamus as moot.

LETICIA HINOJOSA
Justice

Delivered and filed the
24th day of May, 2019.