



NUMBER 13-19-00372-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE STATE FARM AUTOMOBILE MUTUAL INSURANCE COMPANY

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Justices Longoria, Hinojosa, and Perkes
Memorandum Opinion by Justice Perkes¹**

In this original proceeding, relator State Automobile Mutual Insurance Company sought to compel the trial court to vacate a July 29, 2019 discovery order. Relator and real parties in interest, Wayne Pozzi and Kelly Pozzi have now filed a joint motion to dismiss this original proceeding. According to the joint motion to dismiss, the petition for writ of mandamus has been rendered moot by virtue of an agreement between the parties and the rendition of an amended discovery order.

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 *id.* R. 47.4 (distinguishing opinions and memorandum opinions).

The Court, having examined and fully considered the joint motion to dismiss, is of the opinion that it should be granted. Based on our review of the petition for writ of mandamus, the record, and the joint motion to dismiss, 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, GRANT the joint motion to dismiss, and DISMISS the petition for writ of mandamus as moot. See TEX. R. APP. P. 52.8(a).

GREGORY T. PERKES
Justice

Delivered and filed the
13th day of August, 2019.