



NUMBER 13-19-00481-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN RE RODNEY D. ELLIS

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

Before Chief Justice Contreras and Justices Hinojosa and Tijerina
Memorandum Opinion by Justice Tijerina¹

Relator Rodney D. Ellis filed a petition for writ of mandamus seeking to compel the trial court to enforce a contractual forum selection clause.² This Court requested and received a response to the petition for writ of mandamus from the real party in interest,

¹ See TEX. R. APP. P. 52.8(d) (“When granting relief, the court must hand down an opinion as in any other case,” but when “denying relief, the court may hand down an opinion but is not required to do so.”); see *also id.* R. 47.4 (distinguishing opinions and memorandum opinions).

² This original proceeding arises from trial court cause number C-1625-119-H in the 389th District Court of Hidalgo County, Texas, and the respondent is the Honorable Leticia Lopez. See *id.* R. 52.2.

Kittleman Thomas, PLLC. See TEX. R. APP. P. 52.4, 52.8(b). Subsequently, the parties to this original proceeding filed a “Joint Advisory of Settlement” through which they notified this Court that they had arrived at a settlement regarding the matters in controversy and requested a period of time to finalize the settlement documents and to file a motion to dismiss this case. The parties have now filed a “Joint Motion to Dismiss” stating that “all claims, causes of action, and matters in controversy between the parties, giving rise to this mandamus proceeding, have been resolved; and the parties respectfully move the Court to dismiss said proceeding, each party to bear his or its costs and fees associated therewith.”

The Court, having examined and fully considered the Joint Motion to Dismiss, is of the opinion that it should be granted. See *City of Krum, Tex. v. Rice*, 543 S.W.3d 747, 749 (Tex. 2017) (per curiam); *Heckman v. Williamson Cty.*, 369 S.W.3d 137, 162 (Tex. 2012); *In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005) (orig. proceeding). Accordingly, we lift the stay previously imposed in this cause. 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 dismiss this original proceeding. Each party shall bear his or its own costs and fees.

JAIME TIJERINA,
Justice

Delivered and filed the
18th day of February, 2020.