



NUMBER 13-20-00418-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN RE PETER GREGORY STRIKER

On Petition for Writ of Mandamus.

NUMBER 13-20-00423-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN RE PETITION OF LONE STAR NATIONAL BANK

**On appeal from the 389th District Court
of Hidalgo County, Texas.**

MEMORANDUM OPINION

Before Justices Benavides, Hinojosa, and Tijerina Memorandum Opinion by Justice Tijerina

Appellant/Relator Peter Gregory Striker filed an appeal in cause number 13-20-00423-CV and petition for writ of mandamus in cause number 13-20-00418-CV from a judgment entered by the 389th Judicial District Court, Hidalgo County, Texas, seeking to vacate an order that required Striker to appear for a pre-suit deposition pursuant to Texas Rule of Civil Procedure 202.2. See TEX. R. CIV. P. 202.2 This Court granted Striker's motion for emergency stay on October 21, 2020, and ordered the trial court's September 10, 2020 order to be stayed. See TEX. R. APP. P 52.10(b). Subsequently, appellee/real party in interest Lone Star National Bank (LSNB) filed an unopposed motion to dismiss the appeal and an unopposed motion to dismiss the mandamus in these causes. The motions state that LSNB has filed a nonsuit in the trial court thereby mooting the trial court's order, appeal, and petition for writ of mandamus. The motion states that LSNB desires to dismiss the appeal, and Striker is unopposed.

Having considered the documents on file and the unopposed motions, this Court is of the opinion that the motions should be granted, and the appeal and mandamus should be dismissed. See *id.* R. 42.3(a). Accordingly, the stay previously imposed by this Court is hereby LIFTED. See *id.* R. 52.10(b) ("Unless vacated or modified, an order granting temporary relief is effective until the case is finally decided."). We GRANT LSNB's unopposed motions to dismiss in both causes, and the appeal and petition for writ of mandamus are hereby DISMISSED. Costs will be taxed against appellant/relator. See *id.* R. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the

appellant.”). Having dismissed the appeal and mandamus pursuant to LSNB’s unopposed motion, no motion for rehearing will be entertained, and our mandate will issue forthwith.

JAIME TIJERINA
Justice

Delivered and filed the
12th day of November, 2020.