



NUMBER 13-20-00573-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

**IN RE ALLSTATE FIRE AND CASUALTY
INSURANCE COMPANY**

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Justices Benavides, Longoria, and Tijerina
Memorandum Opinion by Justice Tijerina¹**

By petition for writ of mandamus, relator Allstate Fire and Casualty Insurance Company (Allstate) asserts that the trial court abused its discretion in denying Allstate's motion to quash the deposition of its corporate representative. However, Allstate has now filed an unopposed motion to dismiss this original proceeding on grounds that the parties have reached an agreement concerning the matters in dispute. Allstate requests that we

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," but "[w]hen granting relief, the court must hand down an opinion as in any other case"); *id.* R. 47.4 (distinguishing opinions and memorandum opinions).

dismiss the petition for writ of mandamus as moot, with all parties bearing their own costs.

The Court, having examined and fully considered the unopposed motion to dismiss this original proceeding, is of the opinion that it should be granted. See *Heckman v. Williamson County*, 369 S.W.3d 137, 162 (Tex. 2012) (“A case becomes moot if, since the time of filing, there has ceased to exist a justiciable controversy between the parties—that is, if the issues presented are no longer ‘live,’ or if the parties lack a legally cognizable interest in the outcome.”); *In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005) (orig. proceeding) (stating that a case becomes moot “if a controversy ceases to exist between the parties at any stage of the legal proceedings”); see also *In re Smith County*, 521 S.W.3d 447, 455 (Tex. App.—Tyler 2017, orig. proceeding). 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. We dismiss this original proceeding as moot with all parties bearing their own costs.

JAIME TIJERINA
Justice

Delivered and filed on the
14th day of July, 2021.