

NO. 12-12-00325-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE: PARK CITIES BANK, §
THOMAS YOUNGBLOOD, MICHAEL
MERRITT, JOHN DIENES, STEVEN
METZGER, BRIAN NEITZEL, TODD § *ORIGINAL PROCEEDING*
ASHBROOK, MICHAEL SAKS, AND
PCB SMITH COUNTY PROPERTIES,
LLC, RELATORS §

MEMORANDUM OPINION
PER CURIAM

On August 15, 2013, this Court delivered an opinion conditionally granting the petition for writ of mandamus filed by Park Cities Bank, Thomas Youngblood, Michael Merritt, John Dienes, Steven Metzger, Brian Neitzel, Todd Ashbrook, Michael Saks, and PCB Smith County Properties, LLC (Relators). That opinion directed Respondent to vacate his order signed on September 12, 2012, partially granting Lewie Anderton's motion to overrule Relators' claims of privilege and granting Anderton's motion to compel discovery responses.

Respondent complied with this court's opinion and order on August 23, 2013. All issues attendant to this original proceeding having been disposed of, this proceeding has now been rendered moot; therefore, the writ need not issue. Accordingly, this original proceeding is *dismissed as moot*.

Opinion delivered September 18, 2013.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

SEPTEMBER 18, 2013

NO. 12-12-00325-CV

**IN RE: PARK CITIES BANK, THOMAS YOUNGBLOOD, MICHAEL MERRITT,
JOHN DIENES, STEVEN METZGER, BRIAN NEITZEL, TODD ASHBROOK,
MICHAEL SAKS, AND PCB SMITH COUNTY PROPERTIES, LLC,**
Relators

Original Proceeding from the County Court at Law No 2
of Smith County, Texas (Tr.Ct.No. 59,872-A)

ON THIS DAY came to be heard the petition for writ of mandamus filed by **PARK CITIES BANK, THOMAS YOUNGBLOOD, MICHAEL MERRITT, JOHN DIENES, STEVEN METZGER, BRIAN NEITZEL, TODD ASHBROOK, MICHAEL SAKS, AND PCB SMITH COUNTY PROPERTIES, LLC**, who are the relators in Cause No. 59,872-A, pending on the docket of the County Court at Law #2 of Smith County, Texas. Said petition for writ of mandamus having been filed herein on September 24, 2012, and the same having been duly considered, because it is the opinion of this Court that a writ of mandamus should not issue, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of mandamus be, and the same is, hereby **DISMISSED AS MOOT**.

By *per curiam* opinion.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.