

NO. 12-19-00156-CV
IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS

IN RE: RANDY GRAY AND PPC §
TRANSPORTATION COMPANY, § *ORIGINAL PROCEEDING*
RELATORS §

MEMORANDUM OPINION
PER CURIAM

Relators, Randy Gray and PPC Transportation Company, filed this original proceeding to challenge Respondent’s order compelling discovery responses to Requests for Production 89 and 96 and Interrogatories 3 and 15.¹ Shad Wells is the Real Party in Interest. On May 15, 2019, Relators filed a Rule 11 agreement with this Court, which reflects that the parties resolved the discovery issues raised in this proceeding. On May 22, Wells filed a response, which indicates that the parties resolved their dispute and Respondent signed an order effectuating their agreement. Respondent’s order demonstrates that Relator’s complaints regarding Requests for Production 89 and 96 and Interrogatories 3 and 15 have been resolved. On May 24, Relators filed a motion to dismiss this proceeding as moot.

If a controversy no longer exists between the parties, the case becomes moot. *Reule v. RLZ Inv.*, 411 S.W.3d 31, 32 (Tex. App.—Houston [14th Dist.] 2013, no pet.). When a judgment “cannot have a practical effect on an existing controversy, the case is moot and any opinion issued on the merits in the appeal would constitute an impermissible advisory opinion.” *Id.* An opinion is advisory when it neither constitutes specific relief to a litigant nor affects legal relations. *See Houston Chronicle Publ’g Co. v. Thomas*, 196 S.W.3d 396, 401 (Tex. App.—Houston [1st Dist.] 2006, no pet.). Accordingly, because the parties resolved the dispute presented in this original

¹ Respondent is the Honorable Robert K. Inselmann, Jr., Judge of the 217th District Court in Angelina County, Texas.

proceeding, we *grant* Relators' motion to dismiss and *dismiss* the petition for writ of mandamus as *moot*. See *In re Hite*, No. 12-18-00121-CV, 2018 WL 2715300, at *2 (Tex. App.—Tyler June 6, 2018, orig. proceeding) (mem. op.); see also TEX. R. APP. P. 42.1(a).

Opinion delivered May 31, 2019.

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

(PUBLISH)



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

MAY 31, 2019

NO. 12-19-00156-CV

RANDY GRAY AND PPC TRANSPORTATION COMPANY,
Relators
V.

HON. ROBERT K. INSELMANN, JR.,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by Randy Gray and PPC Transportation Company; who are the relators in appellate cause number 12-19-00156-CV and defendants in trial court Cause No. CV-00470-18-07, pending on the docket of the 217th Judicial District Court of Angelina County, Texas. Said petition for writ of mandamus having been filed herein on April 25, 2019, and the same having been duly considered, because it is the opinion of this Court that the writ 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., Hoyle, J. and Neeley, J.