

NO. 12-20-00220-CV
IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS

IN RE: PROGRESSIVE CASUALTY §
INSURANCE COMPANY, § **ORIGINAL PROCEEDING**
RELATOR §

MEMORANDUM OPINION
PER CURIAM

Progressive Casualty Insurance Company filed a petition for writ of mandamus seeking relief from a February 27, 2020 order denying its motion to sever and abate Real Party in Interest Phillip Davidson’s extracontractual claims and compelling discovery.¹ On October 14, 2020, this Court conditionally granted the petition and directed Respondent to (1) vacate his February 27, 2020 order denying Progressive’s motion to sever and abate and compelling Progressive to respond to discovery on the extracontractual claims; and (2) issue an order granting the motion, severing Davidson’s extracontractual claims against Progressive, and abating the severed cause. By an order signed on October 19, Respondent complied with this Court’s opinion and order, rendering this proceeding moot. Accordingly, we *dismiss* the petition for writ of mandamus *as moot*.

Opinion delivered October 30, 2020.
Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

¹ Respondent is the Honorable Jerald (Dean) Fowler, II, Judge of the 115th Judicial District Court, Upshur County, Texas.



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

OCTOBER 30, 2020

NO. 12-20-00220-CV

PROGRESSIVE CASUALTY INSURANCE COMPANY,

Relator

V.

HON. JERALD (DEAN) FOWLER, II,

Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by Progressive Casualty Insurance Company; who is the relator in appellate cause number 12-20-00220-CV and the defendant in trial court cause No. 418-19, pending on the docket of the 115th District Court of Upshur County, Texas. Said petition for writ of mandamus having been filed herein on September 17, 2020, 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.