

**NO. 12-21-00202-CV**  
**IN THE COURT OF APPEALS**  
**TWELFTH COURT OF APPEALS DISTRICT**  
**TYLER, TEXAS**

*IN RE: AETHON ENERGY* §  
*OPERATING LLC, AETHON ENERGY*  
*MANAGEMENT LLC, AETHON II GP* § *ORIGINAL PROCEEDING*  
*LP, KUDU MISTREAM LLC, AND*  
*SCONA, LLC, RELATORS* §

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***MEMORANDUM OPINION***  
***PER CURIAM***

Relators, Aethon Energy Operating, LLC, Aethon Energy Management, LLC, Aethon II GP, LP, Kudu Midstream, LLC, and Scona, LLC filed this original proceeding to challenge Respondent’s discovery order in favor of Real Parties in Interest, Lud R. Davis, III and Charlotte Davis.<sup>1</sup> On January 26, 2022, this Court conditionally granted the petition in part and directed Respondent to vacate that portion of an October 12, 2021, discovery order compelling responses to interrogatory eleven to Aethon II and interrogatory twenty-two to Kudu, and deeming admission requests 2, 4, 5, and 26 to Aethon Energy Operating, requests 10-12 to Aethon Energy Management, requests 12-14 to Aethon II, and request 4 to Scona, and in its stead, to issue an order (1) imposing limits on interrogatories eleven and twenty-two and compelling Relators Aethon II and Kudu, respectively, to respond to the interrogatories as limited, and (2) finding that these identified admissions are not deemed. By an order signed on February 2, 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 February 9, 2022.  
*Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.*

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<sup>1</sup> Respondent is the Honorable James A. Payne, Jr., Judge of the 273rd District Court in San Augustine County, Texas.



**COURT OF APPEALS**  
**TWELFTH COURT OF APPEALS DISTRICT OF TEXAS**  
**JUDGMENT**

**FEBRUARY 9, 2022**

**NO. 12-21-00202-CV**

**AETHON ENERGY OPERATING LLC, AETHON ENERGY MANAGEMENT LLC,  
AETHON II GP LP, KUDU MISTREAM LLC, AND SCONA LLC,**

Relators

V.

**HON. JAMES A. PAYNE, JR.,**

Respondent

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**ORIGINAL PROCEEDING**

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ON THIS DAY came to be heard the petition for writ of mandamus filed by Aethon Energy Operating LLC, Aethon Energy Management LLC, Aethon II GP LP, Kudu Mistream LLC, and Scona LLC; who are the relators in appellate cause number 12-21-00202-CV and the defendants in trial court cause number CV-21-10130, pending on the docket of the 273rd Judicial District Court of San Augustine County, Texas. Said petition for writ of mandamus having been filed herein on November 8, 2021, 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.*