

**NO. 12-22-00279-CV**  
**IN THE COURT OF APPEALS**  
**TWELFTH COURT OF APPEALS DISTRICT**  
**TYLER, TEXAS**

*IN RE:* §  
*MCBRIDE OPERATING, LLC,* § *ORIGINAL PROCEEDING*  
*RELATOR* §

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

McBride Operating, LLC filed this original proceeding to challenge Respondent’s denial of its Rule 91a motion to dismiss.<sup>1</sup> On December 7, 2022, this Court conditionally granted the petition and directed Respondent to vacate his August 18, 2022 order denying the motion to dismiss, and in its stead, to issue an order granting the motion to dismiss, dissolving the temporary injunction, and dismissing the case. By an order filed with this Court on December 15, 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 December 22, 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 Shelby County, Texas. The Real Parties in Interest are Terry Allen, Jan Allen, and Cypress Creek Farms, LLC.



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

**DECEMBER 22, 2022**

**NO. 12-22-00279-CV**

**MCBRIDE OPERATING, LLC,**  
Relator  
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 McBride Operating, LLC; who is the relator in appellate cause number 12-22-00279-CV and the defendant in trial court cause number 21CV35791, pending on the docket of the 273rd Judicial District Court of Shelby County, Texas. Said petition for writ of mandamus having been filed herein on October 19, 2022, 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.*