

COURT OF APPEALS OF TEXAS, FOURTEENTH DISTRICT

**In re L. Charles Moncla, Jr., J. Clarke Legler, II, William Restrepo,
Daniel T. Layton, Layton Corporation, Platinum Energy Holdings,
Inc., and Platinum Energy Solutions, Inc.**

In re Moncla · No. 14-14-00297-CV · Decided August 11, 2014

SUMMARY

The Fourteenth Court of Appeals of Texas continued its abatement of an original mandamus proceeding because the parties were still working toward a settlement. The court directed the parties to report on the settlement status after thirty days and stated that the proceeding could be reinstated upon a dispositive motion or the court's own motion.

OPINION

PER CURIAM.

Order filed August 11, 2014. In The Fourteenth Court of Appeals _____ NO. 14-14-00297-CV _____ IN RE L. CHARLES MONCLA, JR., J. CLARKE LEGLER, II, WILLIAM RESTREPO, DANIEL T. LAYTON, LAYTON CORPORATION, PLATINUM ENERGY HOLDINGS, INC., AND PLATINUM ENERGY SOLUTIONS, INC., Relators ORIGINAL PROCEEDING WRIT OF MANDAMUS 234th District Court Harris County, Texas Trial Court Cause No. 2012-30972 CONTINUING ABATEMENT ORDER On April 21, 2014, relators, L. Charles Moncla, Jr., J. Clarke Legler, II, William Restrepo, Daniel T. Layton, Layton Corporation, Platinum Energy Holdings, Inc., and Platinum Energy Solutions, Inc., filed a petition for writ of mandamus in this court.

See Tex. Gov't Code Ann. ' 22.221. In the petition, relators asked that this court compel The Honorable Wesley Ward, Judge of the 234th District Court, Harris County, Texas, to (1) vacate his March 31, 2014 order overruling relators' special exceptions entered in trial court cause number 2012-30972, styled Starstream Capital, LLC, et al. v. L. Charles Moncla, Jr., et al.; (2) grant the special exceptions; (3) strike real parties in interest's pleadings; and (4) dismiss the case with prejudice.

On June 2, 2014, relators informed this court that the parties have agreed to settle the underlying dispute, subject to the execution of a mutually acceptable settlement agreement. We abated the case for thirty days and directed the parties to advise the court of the status of the settlement.

On July 3, 2014, relators advised this court that the parties are still continuing to work towards a settlement agreement. We issued an order on July 10, 2014, continuing the abatement of the case for an additional period of thirty days, and directed relators and real parties in interest to advise the court of the status of the settlement.

On August 4, 2014, relators advised this court that the parties are still working toward settling the case. Therefore, the abatement of this case is continued for an additional thirty days, at which time the parties are directed to advise the court of the status of the settlement.

The original proceeding will be reinstated on this court's active docket when the parties file a motion to dismiss the original proceeding or other dispositive motion. The court also will consider an appropriate motion to reinstate the original proceeding, or the court may reinstate the original proceeding on its own motion. PER CURIAM Panel consists of Chief Justice Frost and Justices Boyce and Jamison.