

FOURTH COURT OF APPEALS OF TEXAS

In re Kingdom Cargo, LLC and Almaguer Livian Izaguirre

No. 04-19-00674-CV · No. 04-19-00674-CV · Decided November 13, 2019

SUMMARY

The Fourth Court of Appeals of Texas dismissed a petition for writ of mandamus as moot. The real party in interest withdrew her objections and motion to strike the relators' expert, providing the relief requested and eliminating the dispute.

OPINION

in Re Kingdom Cargo, LLC and Almaguer Livian Izaguirre

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas

MEMORANDUM OPINION

No. 04-19-00674-CV IN RE KINGDOM CARGO, LLC and Almaguer Livian Izaguirre Original
Mandamus Proceeding 1

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice Luz Elena D. Chapa, Justice Beth Watkins, Justice
Delivered and Filed: November 13, 2019

PETITION FOR WRIT OF MANDAMUS DISMISSED AS MOOT

On October 3, 2019, relators filed a petition for writ of mandamus asserting the trial court erred by striking their expert's counter-affidavits and testimony. In their prayer for relief, relators asked this court to direct the trial court to (1) vacate its September 13, 2019 order granting the real party in interest's motion to strike and (2) enter an order denying the real party in interest's motion to strike. This court stayed the November 4, 2019 trial setting and requested a response from the respondent and the real party in interest. During an October 22, 2019 hearing before the trial court, the real party in interest stated in open court, on the record, that she agreed to withdraw her objections and motion to strike the 1 This proceeding arises out of Cause No. DC-17-18, styled Ashley Anais Regalado v. Almaguer Livan Izaguirre, et al., pending in the 229th Judicial District Court, Duval County, Texas, the Honorable Baldemar Garza presiding. 04-19-00674-CV expert. The real party in interest then filed a motion asking this court to reconsider the stay on the ground that the issue before this court was now moot, and relators responded. After reviewing the transcript of the hearing at which the real party in interest withdrew her objections, we conclude relators obtained the relief requested. Therefore, we dismiss relators' petition for writ of mandamus as moot.

PER CURIAM

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