

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

In re Irving Long Term Care, LLC d/b/a Las Brisas Rehabilitation & Wellness Suites and THI of Texas, LLC

No. 05-21-00141-CV (Tex. App.—Dallas Aug. 6, 2021) · No. No. 05-21-00141-CV · Decided August 6, 2021

SUMMARY

The Fifth District Court of Appeals of Texas reinstated an original proceeding challenging an order compelling discovery. After the parties resolved the matter, the court granted the relators' motion to dismiss, dismissed the petition for writ of mandamus, and lifted the stay.

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
WRITING FOR THE COURT	Justice Ken Molberg; Justice Molberg; Justice Partida-Kipness; Justice Reichel
JURISDICTION	Texas
DECIDED	August 6, 2021
DOCKET	No. 05-21-00141-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original proceeding in which relators sought a writ of mandamus challenging an order compelling discovery.
PRECEDENTIAL VALUE	Published memorandum opinion; no substantive legal rule stated in the text.

TOPICS

[appellate procedure](#) [discovery dispute](#) [civil procedure](#)

PRACTICE AREAS

[civil procedure](#) [appellate procedure](#) [discovery](#)

QUESTIONS PRESENTED

1. Whether the mandamus proceeding should be reinstated and dismissed after the parties resolved the underlying dispute.

FACTUAL BACKGROUND

The underlying litigation involved a discovery dispute concerning a motion to compel. The trial court granted the real parties in interest's motion to compel discovery on February 26, 2021. Two defendants subsequently removed the underlying suit to federal court, and the parties later resolved the matter.

PROCEDURAL HISTORY

Relators petitioned for mandamus review of the trial court's February 26, 2021 order granting the real parties in interest's motion to compel discovery. The Court of Appeals abated the proceeding after two defendants removed the underlying case to federal court. After the parties resolved the matter, relators moved to reinstate and dismiss the proceeding; the court granted the motion, lifted its stay, and dismissed the petition.

DISPOSITION

dismissed

OPINION

in Re: Irving Long Term Care, LLC D/B/A Las Brisas Rehabilitation & Wellness Suites and Thi of Texas, LLC

PER CURIAM.

Dismissed and Opinion Filed August 6, 2021 In The Court of Appeals Fifth District of Texas at Dallas No. 05-21-00141-CV

IN RE IRVING LONG TERM CARE, LLC D/B/A LAS BRISAS

REHABILITATION & WELLNESS SUITES AND THI OF TEXAS, LLC,

Relators Original Proceeding from the 192nd Judicial District Court Dallas County, Texas Trial Court Cause No. DC-20-12843-K

MEMORANDUM OPINION

Before Justices Molberg, Partida-Kipness, and Reichek Opinion by Justice Molberg This case is reinstated. Relators' March 4, 2021 petition for writ of mandamus challenges the trial court's February 26, 2021 order granting real parties in interest's motion to compel discovery. On April 22, 2021, we abated the case because two of the defendants removed the underlying suit to federal court. By letter dated August 3, 2021, which we will construe as a motion to reinstate and dismiss, relators ask us to remove this matter from the Court's docket because the parties have resolved this matter. We grant the motion and dismiss the petition. We also lift the stay issued by this Court's March 15, 2021 order. /Ken Molberg// 210141f.p05 KEN MOLBERG
JUSTICE

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