

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

In re Marathon Oil (East Texas) LP

No. 12-13-00182-CV (Tex. App. Sept. 11, 2013) · No. No. 12-13-00182-CV · Decided September 11, 2013

SUMMARY

The Twelfth Court of Appeals of Texas dismissed as moot Marathon Oil (East Texas) L.P.'s petition for writ of mandamus. The respondent had withdrawn the challenged order denying a continuance and reset the jury trial, thereby complying with the court's prior opinion conditionally granting mandamus relief.

CASE DETAILS

COURT	Twelfth Court of Appeals District of Texas
WRITING FOR THE COURT	Worthen, C.J.; Griffith, J.; Bass, Retired J., sitting by assignment
JURISDICTION	Texas
DECIDED	September 11, 2013
DOCKET	No. 12-13-00182-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Marathon Oil filed an original proceeding seeking a writ of mandamus directing the trial judge to vacate an order denying Marathon's motion for a continuance and to continue the trial setting to allow discovery. After the trial judge withdrew the challenged order and reset the trial, the court of appeals dismissed the proceeding as moot.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Marathon Oil (East Texas) LP v. Hon. Charles R. Mitchell

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the mandamus proceeding should be dismissed as moot after the respondent complied with the court of appeals' conditional mandamus order.

HOLDINGS

1. The mandamus proceeding was rendered moot when the respondent withdrew the challenged order and reset the trial in compliance with the court's prior opinion and order; therefore, the writ need not issue and the proceeding must be dismissed as moot.

KEY QUOTATIONS

“This action constitutes compliance with our opinion and order. All issues attendant to this original proceeding having been disposed of, this mandamus proceeding has now been rendered moot; therefore, the writ need not issue.”

FACTUAL BACKGROUND

Marathon Oil sought a continuance of the trial setting so that it could conduct discovery. The respondent trial judge initially denied the motion on May 17, 2013. After the court of appeals conditionally granted mandamus relief, the judge withdrew the challenged order and reset the jury trial for the January 2014 term.

PROCEDURAL HISTORY

Marathon filed its petition for writ of mandamus on May 24, 2013. The court conditionally granted relief in an August 7, 2013 opinion, directing the respondent to vacate the May 17, 2013 order and continue the trial for at least sixty days. The respondent complied by withdrawing the order and setting the case for jury trial during the January 2014 term, rendering the mandamus proceeding moot.

DISPOSITION

dismissed