

# COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

## In re Noble Drilling (Jim Thompson) LLC

In re Noble Drilling · No. No. 01-13-00412-CV · Decided June 18, 2013

### SUMMARY

The First District Court of Appeals of Texas considered Noble Drilling (Jim Thompson) LLC's petition for a writ of mandamus challenging an order striking its pleadings and setting a damages hearing. Because the parties agreed that the petition should be conditionally granted, the court lifted the stay, conditionally granted mandamus relief, and directed the trial court to set aside its order.

### CASE DETAILS

|                       |                                                                                                                                                                                                                       |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals for the First District of Texas                                                                                                                                                                      |
| WRITING FOR THE COURT | Justice Jennings; Justice Brown; Justice Huddle                                                                                                                                                                       |
| JURISDICTION          | Texas                                                                                                                                                                                                                 |
| DECIDED               | June 18, 2013                                                                                                                                                                                                         |
| DOCKET                | No. 01-13-00412-CV                                                                                                                                                                                                    |
| DISPOSITION           | writ_granted                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | Original proceeding on Noble Drilling (Jim Thompson) LLC's petition for writ of mandamus challenging the trial court's order striking Noble's pleadings and setting a hearing to determine Salvador Maciel's damages. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                             |
| PARTIES               | Noble Drilling (Jim Thompson) LLC v. Salvador Maciel                                                                                                                                                                  |

### TOPICS

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### PRACTICE AREAS

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### QUESTIONS PRESENTED

- Whether the trial court's order striking Noble's pleadings and setting a damages hearing should be set aside through mandamus relief.

## HOLDINGS

1. The petition for writ of mandamus was conditionally granted, and the trial court was directed to set aside its order striking Noble's pleadings.

## FACTUAL BACKGROUND

The trial court entered an order striking Noble Drilling's pleadings and setting a hearing to determine Salvador Maciel's damages. Noble challenged that order by petition for writ of mandamus. After the petition was filed, the appellate court stayed the damages hearing, and Noble and Maciel agreed that mandamus relief should be conditionally granted.

## PROCEDURAL HISTORY

Noble petitioned for a writ of mandamus from the trial court's order striking its pleadings and setting a damages hearing. The court of appeals stayed the damages hearing and requested a response from Maciel. The parties then agreed that the petition should be conditionally granted, and the court conditionally granted mandamus relief.

## DISPOSITION

writ\_granted

## REMAND INSTRUCTIONS

The trial court must set aside its order striking Noble's pleadings. The writ will issue only if the trial court does not comply.

## OPINION

### PER CURIAM.

Opinion issued June 18, 2013. In The Court of Appeals For The First District of Texas NO. 01-13-00412-CV IN RE NOBLE DRILLING (JIM THOMPSON) LLC, Relator Original Proceeding on Petition for Writ of Mandamus MEMORANDUM OPINION Noble Drilling (Jim Thompson) LLC has filed a petition for writ of mandamus, challenging the trial court's order striking Noble's pleadings and setting a hearing to determine Salvador Maciel's damages.

1 Upon the filing of Noble's petition, the Court stayed the damages hearing and requested that Maciel 1 The underlying case is Maciel v. Noble Drilling (Jim Thompson) LLC et al., No. 2011-43366, in the 215th District Court of Harris County, the Hon. Elaine H. Palmer presiding. 1 respond to the petition. Noble and Maciel have since agreed that the petition should be conditionally granted.

According, we lift the stay, conditionally grant Noble's petition for writ of mandamus, and direct the trial court to set aside its order striking Noble's pleadings. We are confident the trial court will

promptly comply, and our writ will issue only if the trial court does not comply. All outstanding motions are dismissed as moot. PER CURIAM Panel consists of Justices Jennings, Brown, and Huddle.