

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

[appellate procedure](#) [pleadings](#) [remedies](#) [civil procedure](#)

PRACTICE AREAS

[civil procedure](#) [appellate procedure](#) [remedies](#) [commercial litigation](#)

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.