

Opinion issued March 5, 2019



In The
Court of Appeals
For The
First District of Texas

NO. 01-18-00251-CV

**IN RE NEPHROLOGY LEADERS AND ASSOCIATES, PLLC AND M.
ATIQ DADA, MD, Relators**

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relators, Nephrology Leaders and Associates, PLLC and M. Atiq Dada, MD, filed a petition for writ of mandamus.¹ Relators sought to vacate the Honorable

¹ The underlying proceeding is *Nephrology Leaders and Associates, PLLC and M. Atiq Dada, MD v. McGuireWoods LLP*, Cause No. 2017-21479, in the 190th District Court, Harris County, the Honorable Beau Miller presiding. Relators' prior interlocutory appeal challenging a March 13, 2018 sealing order for non-party American Renal Associates is pending under 01-18-00242-CV.

Debra Ibarra Mayfield’s March 13, 2018 “Order Denying Plaintiffs’ Motion to Compel” and to direct the respondent to order the privileges asserted by real party in interest McGuireWoods LLP waived or, alternatively, an order requiring McGuireWoods LLP to produce a privilege log. After abating this case, a supplemental clerk’s record was filed attaching a January 29, 2019 order, signed by the new respondent, the Honorable Beau Miller, vacating the March 13, 2018 Order and the related November 27, 2018 order denying relators’ motion for reconsideration. *See* TEX. R. APP. P. 7.2(b). Then on February 26, 2019, a supplemental clerk’s record was filed attaching the February 13, 2019 amended order granting relators’ alternative motion to compel an amended privilege log from McGuireWoods LLP.

The Clerk of this Court’s February 21, 2019 notice of intent to dismiss for want of jurisdiction notified relators that this mandamus petition may be dismissed for want of jurisdiction as moot unless they responded within ten days of that notice. *See* TEX. R. APP. P. 42.3(a); *see, e.g., In re Jackson*, No. 01–12–00020–CV, 2012 WL 405707, at *1 (Tex. App.—Houston [1st Dist.] Feb. 9, 2012, orig. proceeding) (mem. op.) (dismissing mandamus petition as moot after relator received relief requested). On February 25, 2019, relators filed a letter in response agreeing with the Clerk’s notice and consenting to the dismissal of its petition for want of jurisdiction as moot.

Accordingly, the Court reinstates this case, construes relators' letter as a motion to dismiss, grants it, and dismisses this petition for want of jurisdiction as moot. *See* TEX. R. APP. P. 42.3(a).

PER CURIAM

Panel consists of Justices Keyes, Higley, and Landau.