

Cause No. 19-0845

In the Supreme Court of Texas

IN RE TOYOTA MOTOR SALES, U.S.A., INC. AND TOYOTA MOTOR CORPORATION,

Relators.

Original Proceeding from Cause No. No. DC-16-15296
134th District Court, Dallas County, Texas; Judge Dale Tillery

Response to Petition for Writ of Mandamus

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377 S.W.3d 696 (Tex. 2012)1

ARGUMENT

In their Petition for Writ of Mandamus (“Pet.”), Relators Toyota Motor Corporation and Toyota Motor Sales, U.S.A., Inc. (collectively, “Toyota”) challenge the trial court’s order of February 7, 2019—an order in which the trial court denied, in part, Toyota’s contentions that particular pages and lines of four deposition transcripts constitute “Confidential Material” under the trial court’s March 28, 2018 Protective Order. Pet.11-12 & Tabs B, C. To avoid burdening the Court with this issue, Plaintiffs (the Real Parties in Interest) have executed, and filed in the trial court, the stipulation attached hereto as *Exhibit A*. That stipulation gives Toyota all the relief that Toyota seeks by its mandamus petition in this Court. Accordingly, we ask the Court to dismiss Toyota’s mandamus petition as moot. *See In re Uresti*, 377 S.W.3d 696, 697 (Tex. 2012) (dismissal if original proceeding is moot).

PRAYER

Real Parties in Interest pray that the Court dismiss Toyota’s Petition for Writ of Mandamus as moot.

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CERTIFICATE OF COMPLIANCE

Pursuant to Texas Rule of Appellate Procedure 9.4(i)(3), I hereby certify that this brief contains 160 words, excluding the words not included in the word count pursuant to Texas Rule of Appellate Procedure 9.4(i)(1). This is a computer-generated document created in Microsoft Word, using 14-point typeface for all text. In making this certificate of compliance, I am relying on the word count provided by the software used to prepare the document.

/s/ Michael A. Heidler
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CERTIFICATE OF SERVICE

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Exhibit A

BENJAMIN THOMAS REAVIS and	§	IN THE DISTRICT COURT
KRISTI CAROL REAVIS, Individually	§	
and as Next Friends of E.R. and O.R.,	§	
Minor Children,	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	DALLAS COUNTY, TEXAS
	§	
TOYOTA MOTOR SALES, U.S.A., INC.;	§	
TOYOTA MOTOR CORPORATION;	§	
MICHAEL STEVEN MUMMAW; and	§	
MARK HOWELL,	§	
<i>Defendants.</i>	§	134th Judicial District
	§	

**PLAINTIFFS' STIPULATION CONCERNING
APPLICABILITY OF MARCH 28, 2018 PROTECTIVE ORDER**

To resolve Toyota's Petition for Writ of Mandamus in the Texas Supreme Court, in Cause No. 19-0845 ("Toyota's Mandamus Petition"), Plaintiffs hereby stipulate that Plaintiffs and their counsel will:

1. treat the deposition testimony identified at "Tab A" of Toyota's Mandamus Petition (the "Deposition Testimony") as "Confidential Material" under the Court's March 28, 2018 Protective Order,
2. abide by the Protective Order provisions applicable to "Confidential Information" as to that Deposition Testimony, and
3. treat that Deposition Testimony as being covered by the Court's March 28, 2018 Protective Order.

Respectfully submitted,

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/s/ Jerry White

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