

FILED  
IN SUPREME COURT  
OF TEXAS

MAR - 4 2009

BLAKE HAWTHORNE, Clerk  
BY \_\_\_\_\_ Deputy

NO. ~~09-0185~~

In The

Texas Supreme Court

MOTION

*In re* MINTER ELECTRIC COMPANY, INC.

*Relators.*

*Original Proceeding from  
Cause No. 06-12470  
191st District Court, Dallas County  
Hon. Gena Slaughter, Presiding*

---

**RELATOR MINTER ELECTRIC COMPANY, INC.'S  
AGREED MOTION FOR TEMPORARY RELIEF**

---

**BRYAN P. REESE**  
SBN 00789791  
**P. WES BLACK**  
SBN 24009904  
**FEE, SMITH, SHARP AND VITULLO,**  
**L.L.P.**  
THREE GALLERIA TOWER  
13155 NOEL ROAD, STE 1000  
(972) 934-9100 - Phone  
(972) 934-9200 - Fax  
**ATTORNEYS FOR RELATOR**

**MOTION FOR TEMPORARY RELIEF**

Pursuant to Rule 52.10 of the Texas Rules of Appellate Procedure, Relator respectfully request this Court grant it temporary relief by issuing an order staying all proceedings in the 191st District Court pending this Court's ruling on Relator's Petition for Writ of Mandamus. Relator's Petition asserts that the trial court lost plenary power in this case on February 6, 2007, and that any Orders issued after that date are void. Relators seek this stay to avoid the incurrence of additional costs and attorneys' fees in a case in which the trial court has lost plenary power. Real Pary in Interest is unopposed to a stay of the proceedings in the trial court ending this Court's ruling on Relator's Petition for Writ of Mandamus.

WHEREFORE, PREMISES CONSIDERED, Relator respectfully prays the Court to stay all proceedings in the 191st District Court until such time as this Court issues its final ruling on the Petition for Writ of Mandamus.

Respectfully submitted,

**FEE, SMITH, SHARP & VITULLO, L.L.P.**  
**ATTORNEYS FOR RELATORS**



**BRYAN P. REESE**

SBN 00789791

**P. WES BLACK**

SBN 24009904

**FEE, SMITH, SHARP AND VITULLO, L.L.P.**

THREE GALLERIA TOWER

13155 NOEL ROAD, STE 1000


(972) 934-9100 - Phone

(972) 934-9200 - Fax

**ATTORNEYS FOR RELATORS**

**CERTIFICATE OF COMPLIANCE**

This is to certify, pursuant to Rule 52.10(a) of the Texas Rules of Appellate Procedure, that Relators have notified, or made a diligent effort to notify, all parties by expedited means that a Motion for Temporary Relief has been presented to the Court together with Relators' Petition for Writ of Mandamus. Counsel for Real Party in Interest is unopposed to the requested relief.



**P. Wes Black**

**CERTIFICATE OF SERVICE**

This petition and the record were served on the respondent, the real parties in interest and co-counsel on February 23, 2009 by mailing copies to the following:

Douglas T. Floyd  
6521 Preston Road  
Suite 100  
Plano, Texas 75093

Honorable Gena Slaughter  
The 191<sup>st</sup> District Court  
**Respondent**

**Counsel for Plaintiffs/Real Parties in  
Interest**



**P. Wes Black**