In The

Court of Appeals

Ninth District of Texas at Beaumont

NO. 09-16-00288-CV

IN RE STEPHEN A. SMITH

Original Proceeding
284th District Court of Montgomery County, Texas
Trial Cause No. 16-07-07602-CV

ORDER

Stephen A. Smith filed a petition for writ of mandamus. The relator is the defendant in Cause No. 16-07-07602-CV, *Carl Cannon, Lisa Cannon, Mark Atkins, Cathy Atkins, David Cannon, Val Cannon, Chris Gaskill, Cindy Gaskill, Justin Regan, and Shannon Regan v. Stephen A. Smith*. Relators seek a writ compelling the Honorable Claudia L. Laird, sitting as a visiting judge in the 284th District Court of Montgomery County, Texas, to vacate her pronounced order of August 17, 2016, which disqualified Marc J. Wojciechowski and the firm of Wojciechowski & Associates from representing Relator in the case before the trial court, and revise her

disqualification order to permit Marc J. Wojciechowski and the firm of Wojciechowski & Associates to represent Smith in all matters outside the presence of the jury. We note our jurisdiction over this matter and the parties. *See* Tex. Gov't Code Ann. § 22.221 (West 2004).

Relator requests a stay of the pronounced disqualification order and all further proceedings in the trial court as temporary relief. *See* Tex. T. App. P. 52.10(a). The Court finds temporary relief is necessary to prevent undue prejudice. It is ORDERED that the pronounced order of disqualification and all further proceedings in Cause No. 16-07-07602-CV are STAYED until our Opinion issues or until further order of this Court. *See* Tex. R. App. P. 52.10(b). No bond is required of the relator as a condition to any relief herein granted.

The response of the real parties in interest, Carl Cannon, Lisa Cannon, Mark Atkins, Cathy Atkins, David Cannon, Val Cannon, Chris Gaskill, Cindy Gaskill, Justin Regan, and Shannon Regan, is due September 1, 2016.

MOTION FOR TEMPORARY RELIEF GRANTED.

ORDER ENTERED August 22, 2016.

PER CURIAM

Before McKeithen, C.J., Kreger and Johnson, JJ.