



**IN THE
TENTH COURT OF APPEALS**

No. 10-23-00081-CV

TRAXCELL TECHNOLOGIES, LLC,

Appellant

v.

VERIZON WIRELESS PERSONAL COMMUNICATIONS LP,

Appellee

**From the 170th District Court
McLennan County, Texas
Trial Court No. 2023-368-4**

ORDER

On March 9, 2023, Traxcell Technologies, LLC filed a petition for writ of mandamus in this Court seeking to vacate an “Order Requiring Turnover and Appointing Receiver” signed by the respondent, the Honorable Jim Meyer, Presiding Judge of the 170th District Court. *See generally In re Traxcell Techs., LLC*, No. 10-23-00074-CV, 2023 Tex. App. LEXIS 1653 (Tex. App.—Waco Mar. 14, 2023, orig. proceeding) (mem. op.). Because Traxcell could appeal the trial court’s “Order Requiring Turnover and

Appointing Receiver,” we denied Traxcell’s petition for writ of mandamus. *See id.* at **2-4.

On March 15, 2023, Traxcell filed a notice of appeal in this Court indicating its desire to appeal from the trial court’s “Order Requiring Turnover and Appointing Receiver,” as well as an order denying Traxcell’s “Emergency Motion to Modify Order Appointing Receiver.” Accompanying Traxcell’s notice of appeal is an “Emergency Motion for Stay of Trial Court Judgment.” In its emergency motion, Traxcell requests that we: (1) vacate the trial court’s turnover order; (2) or, in the alternative, direct the trial court to modify the turnover order to require the receiver to join Traxcell as a necessary party in asserting Traxcell’s patents and causes of action against appellee, Verizon Wireless Personal Communications LP, in a case in federal court that has since been dismissed; and (3) temporarily stay execution of the turnover order pending this Court’s review of this appeal.

After review, we grant, in part, Traxcell’s “Emergency Motion for Stay of Trial Court Judgment.” We stay execution of the trial court’s “Order Requiring Turnover and Appointing Receiver” until further order of this Court. *See id.* We deny Traxcell’s “Emergency Motion for Stay of Trial Court Judgment” in all other respects.

Furthermore, we request responses from Verizon and Traxcell regarding the applicability of Texas Rule of Appellate Procedure 24 and whether abatement for a Rule

24 hearing is appropriate or necessary in this case. *See* TEX. R. APP. P. 24. Said responses shall be filed within ten days from the date of this order.

PER CURIAM

Before Chief Justice Gray,
Justice Johnson, and
Justice Smith

Order issued and filed March 17, 2023

[RWR]

