

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

In re David L. Sheller and Sheller Law Firm, PLLC

No. 01-26-00088-CV · No. 01-26-00088-CV · Decided February 3, 2026

OPINION

PER CURIAM.

Opinion issued February 3, 2026. In The Court of Appeals For The First District of Texas NO. 01-26-00088-CV IN RE DAVID L. SELLER AND SELLER LAW FIRM, PLLC, Relators Original Proceeding on Petition for Writ of Mandamus MEMORANDUM OPINION Relators, David L. Sheller and Sheller Law Firm, PLLC, filed a petition for writ of mandamus challenging the trial court's December 23, 2025 "Order Overruling [Relators'] Special Exceptions," and "Order Denying [Relators'] Amended Traditional Motion for Summary Judgment."1 Relators requested that this 1 The underlying case is Bayko, Prebeg, Faucett & Abbott, PLLC, f/k/a Prebeg, Faucett & Abbott, PLLC v. David L. Sheller, Sheller Law Firm, PLLC and Carol Sousa Individually and as the Representative of the Estate of Betty Jean Wilwerding, Court grant their petition for writ of mandamus and "order that [real party in interest,] Bayko, Prebeg, Faucett & Abbott, PLLC f/k/a Prebeg, Faucett & Abbott, PLLC, take nothing on all claims and causes of action asserted in the [underlying suit], [and] that their lawsuit be dismissed with prejudice." We conclude that relators have failed to establish they are entitled to mandamus relief, and therefore, the Court denies relators' petition for writ of mandamus.

We dismiss any pending motion as moot. PER CURIAM Panel consists of Justices Guerra, Caghey, and Dokupil. Cause No. 2023-68345, in the 281st District Court of Harris County, Texas, the Honorable Christine Weems presiding. 2