

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

In re Scott D. Martin, SKM Partnership, Ltd., and KCM, LLC

No. 01-11-00997-CV · No. No. 01-11-00997-CV · Decided January 13, 2012

SUMMARY

In this memorandum opinion, the First Court of Appeals of Texas considered a petition for writ of mandamus challenging a trial court order staying trial pending an interlocutory appeal from the denial of special appearances. The court denied the petition.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Per Curiam; Justice Jennings; Justice Massengale; Justice Huddle
JURISDICTION	Texas
DECIDED	January 13, 2012
DOCKET	No. 01-11-00997-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding in which relators sought a writ of mandamus challenging a trial court order staying trial pending an interlocutory appeal from the denial of special appearances by certain defendants.
PRECEDENTIAL VALUE	published
PARTIES	Scott D. Martin, SKM Partnership, Ltd., KCM, LLC

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

- Whether the relators were entitled to mandamus relief from the trial court's order staying trial pending an interlocutory appeal from the denial of certain defendants' special appearances.

FACTUAL BACKGROUND

The underlying action involved Scott D. Martin, SKM Partnership, Ltd., and KCM, LLC, and numerous defendants. Certain defendants filed special appearances, and after the trial court denied those appearances, they pursued an interlocutory appeal. The trial court stayed the trial pending that appeal, prompting relators to seek mandamus relief.

PROCEDURAL HISTORY

The 215th Judicial District Court of Harris County stayed trial in the underlying action while certain defendants pursued an interlocutory appeal from the denial of their special appearances. Scott D. Martin, SKM Partnership, Ltd., and KCM, LLC sought mandamus relief from the stay order. The Court of Appeals denied the petition.

DISPOSITION

writ_denied

OPINION

PER CURIAM.

Opinion issued January 13, 2012. In The Court of Appeals For The First District of Texas NO. No. 01-11-00997-CV In Re SCOTT D. MARTIN, SKM PARTNERSHIP, LTD., and KCM, LLC, Relator On Appeal from the 215th Judicial District Court Harris County, Texas Trial Court Case No. 2008-53948 MEMORANDUM OPINION In this original proceeding, Relators, Scott D. Martin, SKM Partnership, Ltd., and KCM, LLC, seek relief from a trial court order staying trial pending the interlocutory appeal of the trial court's denial of special appearances filed by certain defendants in the underlying action.[1] We deny the petition for writ of mandamus.

PER CURIAM Panel consists of Justices Jennings, Massengale, and Huddle. [1] The underlying case is Scott Martin, SKM Partnership, Ltd., and KCM., LLC, v. Martin Resource Management Corporation, Ruben S. Martin, III, Robert Bondurant, Donald R. Neumeyer, Wesley M. Skelton, Stephen Wes Martin, Karen L. Yost, Al Foley, Michael L. Murley, Randy Tauscher, Chris H. Booth, Damon King, Johnnie Murry, Ed Grimm, Ron Garner, Matt.

A. Yost, Melanie Matthews, John McClelland, Alana H. Sumpter, Mike Ginzler, John Ben Blackburn, Tom Redd, Keith West, Dean Krakosky, Richard Wilkinson, Kevin Cross, Mari Odom, David Caperton, Stephen D. Kelley, Kelly McCorkle, Darla Martin, Chad R. Cook, Daniel R. Cavin, Rodney Holland, Aaron Athey, Jeff Ballew, Ken Beckman, Dan Burgess, David Hayden, and Scott Wharton, No. 2008-53948 in the 215th District Court of Harris County, the Honorable Steven E. Kirkland presiding.

The interlocutory appeal is Burgess v. Martin, No. 01-11-00243-CV.

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