

THIRTEENTH COURT OF APPEALS OF TEXAS

In re Oscar Fuentes, Belinda Fuentes, Zaccheaus Oloba, and Comfort Oloba

In re Fuentes · No. 13-18-00147-CV · Decided March 16, 2018

SUMMARY

The Thirteenth Court of Appeals of Texas considers a petition for writ of mandamus and emergency motion for temporary relief arising from an order transferring venue from Kleberg County to Hays County. The court requests responses from Hunter Industries, Ltd. and other affected parties, carries the emergency motion with the case, and does not otherwise rule on the merits in this order.

CASE DETAILS

COURT	Thirteenth Court of Appeals of Texas
WRITING FOR THE COURT	Per Curiam; Justice Rodriguez; Justice Contreras; Justice Hinojosa
JURISDICTION	Texas
DECIDED	March 16, 2018
DOCKET	13-18-00147-CV
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding on a petition for writ of mandamus and relators' emergency motion for temporary relief challenging a trial court order transferring venue.
STANDARD OF REVIEW	Mandamus relief generally requires the relator to show a clear abuse of discretion and the absence of an adequate remedy by appeal; the order does not decide whether those requirements were satisfied.
PRECEDENTIAL VALUE	Published procedural order; no merits holding stated in the provided text.
PARTIES	Oscar Fuentes, Belinda Fuentes, Zaccheaus Oloba, Comfort Oloba v. Hunter Industries, Ltd.

TOPICS

[venue](#) [writ of certiorari](#) [appellate procedure](#) [civil procedure](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by transferring venue without providing relators notice and an opportunity to respond.
2. Whether the court of appeals should temporarily stay the venue-transfer order while considering the petition for writ of mandamus.

KEY QUOTATIONS

“Relators’ motion for emergency relief will be CARRIED WITH THE CASE pending further order of the Court.” (2)

FACTUAL BACKGROUND

The trial court granted Hunter Industries, Ltd.'s motion to transfer venue from Kleberg County, Texas, to Hays County, Texas, in an order dated February 26, 2018. Relators alleged that the transfer was granted without notice or an opportunity to respond. They sought mandamus relief to vacate the transfer order and temporary relief staying its effect.

PROCEDURAL HISTORY

The 105th Judicial District Court of Kleberg County granted Hunter Industries, Ltd.'s motion to transfer venue from Kleberg County to Hays County on February 26, 2018. Relators filed a petition for writ of mandamus and an emergency motion for a temporary stay on March 16, 2018, asserting that the venue transfer occurred without notice and an opportunity to respond. The court ordered responses and carried the emergency motion with the case pending further order.

DISPOSITION

other

OPINION

PER CURIAM.

NUMBER 13-18-00147-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI - EDINBURG IN RE OSCAR FUENTES, BELINDA FUENTES,
ZACCHEAUS OLOBA, AND COMFORT OLOBA On Petition for Writ of Mandamus and
Relators’ Emergency Motion for Temporary Relief ORDER Before Justices Rodriguez, Contreras,
and Hinojosa Per Curiam Order Relators Oscar Fuentes, Belinda Fuentes, Zaccacheaus Oloba, and
Comfort Oloba have filed a petition for writ of mandamus and motion for emergency relief in the
above cause on March 16, 2018.

Relators contend that the Honorable Jack Pulcher, presiding judge of the 105th Judicial District Court of Kleberg County, Texas, abused his discretion, leaving relators without an adequate appellate remedy, by granting the real party in interest, Hunter Industries, Ltd.'s motion to transfer venue without affording relators notice and an opportunity to respond.

See TEX. R. CIV. P. 86, 87. Through this original proceeding, relators seek to vacate the trial court's February 26, 2018, order transferring venue from Kleberg County, Texas to Hays County, Texas. Through their motion for emergency relief, relators seek a temporary stay of the trial court's order until such time as we may fully consider the petition for writ of mandamus.

The Court requests that the real party in interest, Hunter Industries, Ltd., or any others whose interest would be directly affected by the relief sought, file a response to relators' motion for emergency relief on or before March 20, 2018, and to file a response to the petition for writ of mandamus on or before the expiration of ten days from the date of this order.

See TEX. R. APP. P. 52.2, 52.4, 52.8. Relators' motion for emergency relief will be CARRIED WITH THE CASE pending further order of the Court. IT IS SO ORDERED. PER CURIAM
Delivered and filed this 16th day of March, 2018. 2