

**COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS
CHRISTI-EDINBURG**

In re Margarito Trujillo

No. 13-18-00381-CV · No. 13-18-00381-CV · Decided August 3, 2018

SUMMARY

The Thirteenth Court of Appeals of Texas considered Margarito Trujillo’s petition for writ of mandamus seeking to compel withdrawal of a trial court order granting turnover relief and appointing a receiver. The court held that Trujillo had not shown entitlement to mandamus relief and denied the petition.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi-Edinburg
WRITING FOR THE COURT	Rogelio Valdez; Chief Justice Rogelio Valdez; Justice Rodriguez; Justice Benavides
JURISDICTION	Texas
DECIDED	August 3, 2018
DOCKET	13-18-00381-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Relator sought mandamus relief directing the trial court to withdraw an order granting turnover relief and appointing a receiver.
STANDARD OF REVIEW	Mandamus relief requires the relator to establish both a clear abuse of discretion and the absence of an adequate remedy by appeal. An abuse of discretion occurs when the trial court’s ruling is arbitrary and unreasonable or is made without regard to guiding legal principles or supporting evidence. The adequacy of an appellate remedy is determined by balancing the benefits of mandamus review against its detriments.
PRECEDENTIAL VALUE	Memorandum opinion; precedential status not expressly stated in the opinion text.
PARTIES	Margarito Trujillo v. Bobby Burrows, Ignacio Garza, CESMT, LLC

TOPICS

writ of certiorari

appellate procedure

standard of review

remedies

civil procedure

PRACTICE AREAS

civil procedure

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether Trujillo established entitlement to mandamus relief by showing a clear abuse of discretion and the absence of an adequate remedy by appeal.

HOLDINGS

1. Trujillo did not demonstrate that he was entitled to mandamus relief; the petition was therefore denied.
2. A clear abuse of discretion exists when a trial court's ruling is arbitrary and unreasonable or made without regard to guiding legal principles or supporting evidence, and appellate-remedy adequacy is evaluated by balancing the benefits and detriments of mandamus review.

KEY QUOTATIONS

“Mandamus is an extraordinary remedy.”

“Mandamus relief is proper to correct a clear abuse of discretion when there is no adequate remedy by appeal.”

“The Court, having examined and fully considered the petition for writ of mandamus, the response filed by real party in interest Bobby Burrows, the record, and the applicable law, is of the opinion that Trujillo has not shown himself entitled to the relief sought.”

FACTUAL BACKGROUND

The trial court granted turnover relief and appointed Ignacio Garza as receiver in an order dated May 17, 2018. Margarito Trujillo challenged that order through a petition for writ of mandamus, seeking to compel its withdrawal.

PROCEDURAL HISTORY

The trial court entered an order on May 17, 2018, granting turnover relief and appointing Ignacio Garza as receiver. Trujillo filed a petition for writ of mandamus on July 13, 2018. After requesting and receiving a response from Bobby Burrows, the court of appeals denied the petition.

DISPOSITION

writ_denied

CASES CITED

- In re H.E.B. Grocery Co., 492 S.W.3d 300, 302 (Tex. 2016) (orig. proceeding) (per curiam)

- In re Christus Santa Rosa Health Sys., 492 S.W.3d 276, 279 (Tex. 2016) (orig. proceeding)
- Walker v. Packer, 827 S.W.2d 833, 840 (Tex. 1992) (orig. proceeding)
- In re Nationwide Ins. Co. of Am., 494 S.W.3d 708, 712 (Tex. 2016) (orig. proceeding)
- Ford Motor Co. v. Garcia, 363 S.W.3d 573, 578 (Tex. 2012)
- In re Essex Ins. Co., 450 S.W.3d 524, 528 (Tex. 2014) (orig. proceeding)
- In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 136 (Tex. 2004) (orig. proceeding)

OPINION

PER CURIAM.

NUMBER 13-18-00381-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI - EDINBURG IN RE MARGARITO TRUJILLO On Petition for Writ of
Mandamus. MEMORANDUM OPINION Before Chief Justice Valdez and Justices Rodriguez and
Benavides Memorandum Opinion by Chief Justice Valdez 1 Relator Margarito Trujillo filed a
petition for writ of mandamus in the above cause on July 13, 2018.

Through this original proceeding, Trujillo seeks to compel the trial court to withdraw its order of
May 17, 2018 granting turnover relief and appointing receiver Ignacio Garza. This Court requested
that the real parties in interest, Bobby Burrows, receiver Garza, CESMT, LLC, or any others
whose interest would be directly affected by 1 See TEX. R. APP. P. 52.8(d) (“When granting relief,
the court must hand down an opinion as in any other case,” but when “denying relief, the court
may hand down an opinion but is not required to do so.”); TEX. R. APP.

P. 47.4 (distinguishing opinions and memorandum opinions). the relief sought, file a response to
the petition for writ of mandamus. See TEX. R. APP. P. 52.2, 52.4, 52.8. Burrows filed a response
to the petition for writ of mandamus. Mandamus is an extraordinary remedy.

In re H.E.B. Grocery Co., 492 S.W.3d 300, 302 (Tex. 2016) (orig. proceeding) (per curiam).
Mandamus relief is proper to correct a clear abuse of discretion when there is no adequate remedy
by appeal. In re Christus Santa Rosa Health Sys., 492 S.W.3d 276, 279 (Tex. 2016) (orig.
proceeding).

The relator bears the burden of proving both of these requirements. In re H.E.B. Grocery Co., 492
S.W.3d at 302; Walker v. Packer, 827 S.W.2d 833, 840 (Tex. 1992) (orig. proceeding). An abuse of
discretion occurs when a trial court's ruling is arbitrary and unreasonable or is made without
regard for guiding legal principles or supporting evidence.

In re Nationwide Ins. Co. of Am., 494 S.W.3d 708, 712 (Tex. 2016) (orig. proceeding); Ford
Motor Co. v. Garcia, 363 S.W.3d 573, 578 (Tex. 2012). We determine the adequacy of an appellate
remedy by balancing the benefits of mandamus review against the detriments.

In re Essex Ins. Co., 450 S.W.3d 524, 528 (Tex. 2014) (orig. proceeding); In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 136 (Tex. 2004) (orig. proceeding). The Court, having examined and fully considered the petition for writ of mandamus, the response filed by real party in interest Bobby Burrows, the record, and the applicable law, is of the opinion that Trujillo has not shown himself entitled to the relief sought.

Accordingly, we DENY the petition for writ of mandamus. See TEX. R. APP. P. 52.8(a). /s/ Rogelio Valdez ROGELIO VALDEZ Chief Justice Delivered and filed this 3rd day of August, 2018. 2