

COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS

In re Nancy Vasquez and Bolivar Building and Contracting, LLC

No. 13-26-00044-CV (Tex. App.—Corpus Christi—Edinburg Apr. 23, 2026, orig. proceeding) (mem. op.) · No. 13-26-00044-CV · Decided April 23, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas conditionally granted Nancy Vasquez and Bolivar Building and Contracting, LLC's petition for writ of mandamus. The court held that the trial court abused its discretion by granting Bolivar leave to add four third-party defendants nearly five years into the litigation, because the proposed joinder would unreasonably delay trial and the individuals were not indispensable parties. The court directed the trial court to vacate its January 7, 2026 order granting leave.

CASE DETAILS

COURT	Court of Appeals for the Thirteenth District of Texas
WRITING FOR THE COURT	Justice L. Aron Peña Jr.; Chief Justice Tijerina; Justice Peña; Justice West
JURISDICTION	Texas Court of Appeals, Thirteenth District
DECIDED	April 23, 2026
DOCKET	13-26-00044-CV
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original proceeding seeking mandamus relief from an order granting leave to file a third-party petition.
STANDARD OF REVIEW	Mandamus requires a clear abuse of discretion and the absence of an adequate remedy by appeal. Joinder rulings are reviewed for abuse of discretion. A trial court abuses its discretion when it acts without reference to guiding rules or principles, acts arbitrarily or unreasonably, or commits an error of law or an erroneous application of law to fact.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential value not otherwise specified in the opinion.
PARTIES	Nancy Vasquez, Bolivar Building and Contracting, LLC

TOPICS

third party practice

joinder

writ of certiorari

appellate procedure

standard of review

PRACTICE AREAS

civil procedure

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QUESTIONS PRESENTED

1. Whether the relators preserved their complaint that the trial court abused its discretion by granting leave to add third-party defendants.
2. Whether Texas Rule of Civil Procedure 38 or Texas Civil Practice and Remedies Code section 33.004 authorized Bolivar's proposed pleading.
3. Whether the proposed third-party defendants were necessary, indispensable, or permissive parties under Texas Rules of Civil Procedure 37, 39, or 40.
4. Whether the trial court clearly abused its discretion by granting leave to add the proposed third-party defendants at that late stage of the litigation and thereby delaying trial.
5. Whether the relators had an adequate remedy by appeal.

HOLDINGS

1. The relators preserved their complaint because they opposed the motion at the hearing, specifically objected to granting it, and informed the trial court that they would seek mandamus relief.
2. Texas Rule of Civil Procedure 38 and Texas Civil Practice and Remedies Code section 33.004 did not authorize the proposed pleading because Bolivar sought to impose direct liability on the proposed parties, rather than assert that they were liable for all or part of the claims against him or merely designate them as responsible third parties.
3. The proposed third-party defendants were not indispensable parties because Bolivar could proceed against any one defendant separately.
4. Granting leave to add the proposed third-party defendants was a clear abuse of discretion because the proposed joinder was sought nearly five years into the case, after numerous trial settings, and would cause an unreasonable delay in trial.
5. Mandamus relief was appropriate because the trial court clearly abused its discretion and the relators lacked an adequate remedy by appeal.

KEY QUOTATIONS

“It is self-evident that the trial court’s ruling delayed the trial of the case.” (14)

“Further, bearing in mind the history and circumstances of the lawsuit, the delay was not reasonable.” (14)

FACTUAL BACKGROUND

Vasquez and Bolivar Building and Contracting, LLC litigated competing claims concerning ownership of the company and its assets. Bolivar alleged that several individuals had participated in fraudulent conduct relating to

company documents and sought to add them as third-party defendants nearly five years after the suit began. The case had undergone numerous trial settings, and the trial court granted leave to add the parties, vacating the then-current trial setting to permit service and additional discovery.

PROCEDURAL HISTORY

Vasquez and Bolivar Building and Contracting, LLC sued Randall Bolivar and Bolivar Business Conglomerate, LLC concerning ownership and control of Bolivar Building and Contracting, LLC. Nearly five years into the litigation and shortly before trial, Bolivar moved for leave to add Emilia Vasquez, Ramiro Vasquez, Jacqueline Vasquez, and Javier Perez as third-party defendants. The trial court granted the motion on January 7, 2026, vacated the March 23, 2026 trial setting, and indicated that the case would be reset after additional discovery. The relators sought mandamus relief, and the court of appeals conditionally granted the petition.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The trial court must vacate its January 7, 2026 order granting Bolivar's motion for leave to add Emilia Vasquez, Ramiro Vasquez, Jacqueline Vasquez, and Javier Perez as third-party defendants. The writ will issue only if the trial court fails to act promptly in accordance with the opinion.

CASES CITED

- In re Ill. Nat'l Ins., 685 S.W.3d 826, 834 (Tex. 2024) (orig. proceeding)
- In re Liberty Cnty. Mut. Ins., 679 S.W.3d 170, 174 (Tex. 2023) (orig. proceeding) (per curiam)
- In re AutoZoners, LLC, 694 S.W.3d 219, 223 (Tex. 2024) (orig. proceeding) (per curiam)
- In re Auburn Creek Ltd. P'ship, 655 S.W.3d 837, 843 (Tex. 2022) (orig. proceeding)
- In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 136–37 (Tex. 2004) (orig. proceeding)
- In re Boyaki, 587 S.W.3d 479, 483 (Tex. App.—El Paso 2019, orig. proceeding)
- In re Corcoran, 401 S.W.3d 136, 139 (Tex. App.—Houston [14th Dist.] 2011, orig. proceeding)
- In re Arthur Andersen, LLP, 121 S.W.3d 471, 483 (Tex. App.—Houston [14th Dist.] 2003, orig. proceeding [mand. denied])
- Crawford v. XTO Energy, Inc., 509 S.W.3d 906, 910–11 (Tex. 2017)
- Hibernia Energy III, LLC v. Ferae Naturae, LLC, 668 S.W.3d 745, 757 (Tex. App.—El Paso 2022, no pet.)
- In re Kay, 715 S.W.3d 747, 750 (Tex. 2025) (orig. proceeding) (per curiam)
- In re State Line Fireworks, Inc., 387 S.W.3d 27, 31 (Tex. App.—Texarkana 2012, orig. proceeding)
- In re Martin, 147 S.W.3d 453, 457 (Tex. App.—Beaumont 2004, orig. proceeding [mand. denied])
- In re Z. W.-M., No. 03-24-00767-CV, 2025 WL 2470828, at *4 (Tex. App.—Austin Aug. 28, 2025, no pet.) (mem. op.)
- In re Bertrand, 602 S.W.3d 691, 696 (Tex. App.—Fort Worth 2020, orig. proceeding)

- In re Dawson, 550 S.W.3d 625, 628 (Tex. 2018) (orig. proceeding) (per curiam)
- Metro. Transit Auth. of Harris Cnty. v. Smith, 656 S.W.3d 867, 875–76 (Tex. App.—Houston [14th Dist.] 2022, no pet.)
- Perryman v. Spartan Tex. Six Cap. Partners, Ltd., 546 S.W.3d 110, 132 (Tex. 2018)
- Advanced Tech. Transfer & Intell. Prop. Grp. LLC v. Krenek, 627 S.W.3d 540, 543–44 (Tex. App.—Houston [14th Dist.] 2021, no pet.)
- Cooper v. Tex. Gulf Indus., Inc., 513 S.W.2d 200, 203–04 (Tex. 1974)
- Conrad Constr. Co., Ltd. v. Freedmen's Town Pres. Coal., 491 S.W.3d 12, 16 (Tex. App.—Houston [14th Dist.] 2016, no pet.)
- In re Tr. A & Tr. C., 690 S.W.3d 80, 86 (Tex. 2024)
- In re Doe, 704 S.W.3d 538, 542 (Tex. 2024) (orig. proceeding)
- Surgitek, Bristol-Myers Corp. v. Abel, 997 S.W.2d 598, 602–03 (Tex. 1999)
- Smith v. Adair, 96 S.W.3d 700, 705 (Tex. App.—Texarkana 2003, pet. denied)
- Swafford v. Holman, 446 S.W.2d 75, 77 (Tex. App.—Dallas 1969, writ ref'd n.r.e.)
- Jones v. Smith, 157 S.W.3d 517, 523 (Tex. App.—Texarkana 2005, pet. denied)
- Kunstoplast of Am. v. Formosa Plastics Corp., USA, 937 S.W.2d 455, 456 (Tex. 1996) (per curiam)
- Abraham v. Hernandez, 705 S.W.3d 416, 422 (Tex. App.—El Paso 2024, no pet.)

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