

COURT OF APPEALS FOR THE TENTH DISTRICT OF TEXAS

In re Volvo Group North America, LLC

Cause No. 10-16-00112-CV · No. 10-16-00112-CV · Decided June 2, 2016

SUMMARY

This document is the June 2, 2016 judgment of the Texas Tenth Court of Appeals in an original mandamus proceeding brought by Volvo Group North America, LLC. The court granted the petition and ordered that mandamus would issue if the trial court failed to set aside its order striking YRC Freight's designation as a responsible third party.

CASE DETAILS

COURT	Court of Appeals for the Tenth District of Texas
WRITING FOR THE COURT	Tom Gray; Rex D. Davis; Al Scoggins
JURISDICTION	Texas
DECIDED	June 2, 2016
DOCKET	10-16-00112-CV
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original proceeding on Volvo Group North America, LLC's petition for writ of mandamus challenging an order granting plaintiffs' motion to strike YRC Freight's designation as a responsible third party and ruling that YRC Freight was not a responsible third party.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Volvo Group North America, LLC

TOPICS

[appellate procedure](#) [civil procedure](#) [commercial litigation](#) [remedies](#)

PRACTICE AREAS

[appellate procedure](#) [civil procedure](#) [commercial litigation](#) [remedies](#)

QUESTIONS PRESENTED

1. Whether the court of appeals should grant Volvo Group North America, LLC's petition for writ of mandamus concerning the trial court's order striking YRC Freight's designation as a responsible third

party.

HOLDINGS

1. The petition for writ of mandamus was meritorious and was granted; mandamus would issue if the trial judge failed to set aside the April 4, 2016 order granting plaintiffs' motion to strike YRC Freight's designation as a responsible third party and ruling that YRC Freight was not a responsible third party.

KEY QUOTATIONS

“because it is the opinion of this Court that the Petition for Writ of Mandamus is meritorious and should be granted”

“mandamus will issue only if Honorable fails to set aside its April 4, 2016 order granting Plaintiffs' motion to strike designation of YRC Freight as a responsible third party and ordering that YRC Freight is not a responsible third party.”

FACTUAL BACKGROUND

The underlying trial court entered an April 4, 2016 order granting plaintiffs' motion to strike YRC Freight's designation as a responsible third party. The order also ruled that YRC Freight was not a responsible third party. Volvo Group North America, LLC sought mandamus relief from that order.

PROCEDURAL HISTORY

Volvo Group North America, LLC filed an original petition for writ of mandamus in the Court of Appeals for the Tenth District of Texas. The court determined that the petition was meritorious and granted it, directing that mandamus would issue if the trial judge failed to set aside the April 4, 2016 order concerning YRC Freight's responsible-third-party designation.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The trial judge was required to set aside the April 4, 2016 order granting plaintiffs' motion to strike YRC Freight's designation as a responsible third party and ordering that YRC Freight was not a responsible third party; mandamus would issue only if the judge failed to do so.

OPINION

PER CURIAM.

BE IT REMEMBERED: THAT at the term of the Honorable Court of Appeals for the Tenth District of the State of Texas, begun and holden at Waco on the 1[st] day of January, 2016, present Chief Justice TOM GRAY and Justices REX D. DAVIS and AL SCOGGINS In the cause No. 10-

16-00112-CV IN RE VOLVO GROUP NORTH AMERICA, LLC Original Proceeding the following Judgment was entered on the 2[nd] day of June, 2016: "Came on to be heard the original Petition for Writ of Mandamus filed herein by Relator Volvo Group North America, LLC, and the same having been considered, because it is the opinion of this Court that the Petition for Writ of Mandamus is meritorious and should be granted; it is therefore ordered, adjudged and decreed that the Petition for Writ of Mandamus be, and hereby is, granted in accordance with the opinion of this Court, and mandamus will issue only if Honorable fails to set aside its Aril 4, 2016 order granting Plaintiffs' motion to strike designation of YRC Freight as a responsible third party and ordering that YRC Freight is not a responsible third party."

I, SHARRI ROESSLER, Clerk of the Court of Appeals for the Tenth District of Texas, at the City of Waco, hereby certify that the foregoing is a true copy of the Judgment entered herein by this Court in the above entitled and numbered cause as appears of record in Minute Book 13, Page 831. IN WITNESS WHEREOF, I hereunto set my hand and affix the seal of said Court at Waco, this 2nd day of June A.D.

2016. SHARRI ROESSLER, CLERK 3040380-1206500 By: _____
Nita Whitener, Deputy Clerk 1455242797356800