

FOURTEENTH COURT OF APPEALS OF TEXAS

In re Michaels Stores, Inc. d/b/a Michaels Art & Crafts #2719

In re Michaels Stores, Inc. d/b/a Michaels Art & Crafts #2719 · No. No. 14-21-00320-CV · Decided June 11, 2021

SUMMARY

The Fourteenth Court of Appeals of Texas granted temporary relief in an original mandamus proceeding brought by Michaels Stores, Inc. The court stayed trial-court proceedings, including the scheduled commencement of trial, pending final resolution of the mandamus petition challenging spoliation sanctions, and requested a response from the real parties in interest.

CASE DETAILS

COURT	Fourteenth Court of Appeals of Texas
WRITING FOR THE COURT	Per Curiam; Justice Wise; Justice Jewell; Justice Spain
JURISDICTION	Texas
DECIDED	June 11, 2021
DOCKET	No. 14-21-00320-CV
DISPOSITION	other
PROCEDURAL POSTURE	Original mandamus proceeding arising from the trial court's order granting sanctions for alleged spoliation of evidence. The relator sought emergency temporary relief staying the scheduled trial while the mandamus petition was under consideration.
STANDARD OF REVIEW	Mandamus relief generally requires showing that the trial court clearly abused its discretion and that the relator lacks an adequate remedy by appeal; the order does not decide the merits of that request.
PRECEDENTIAL VALUE	unknown
PARTIES	In re Michaels Stores, Inc. d/b/a Michaels Art & Crafts #2719 v. Real parties in interest in the mandamus proceeding

TOPICS

[writ of certiorari](#)[appellate procedure](#)[sanctions](#)[evidence](#)[civil procedure](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the appellate court should temporarily stay the trial-court proceedings, including the scheduled commencement of trial, while considering Michaels's petition for writ of mandamus challenging spoliation sanctions.

HOLDINGS

1. The appellate court granted temporary relief and stayed all proceedings in the underlying trial-court case, including the scheduled commencement of trial, until final decision on the mandamus petition or further order of the court.

KEY QUOTATIONS

“We therefore ORDER that the proceedings, including the commencement of trial set for June 14, 2021, of the court below be stayed in trial court cause number 2019-23106, styled Vaculik v. Michael’s Stores, Inc.”

FACTUAL BACKGROUND

The trial court granted the plaintiff's motion for sanctions based on alleged spoliation of evidence in a case styled Vaculik v. Michael's Stores, Inc. Trial was scheduled to commence on June 14, 2021, shortly after the sanctions order. Michaels asserted that immediate relief was necessary to avoid prejudice while its mandamus petition was being considered.

PROCEDURAL HISTORY

The 157th District Court of Harris County entered Findings and Order on Plaintiff's Motion for Sanctions on June 8, 2021, and set trial to begin June 14, 2021. Michaels filed a petition for writ of mandamus and an emergency motion for temporary relief in the Fourteenth Court of Appeals on June 11, 2021. The appellate court stayed the trial-court proceedings pending final decision on the mandamus petition or further order and requested a response from the real parties in interest.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. Proceedings in trial court cause number 2019-23106 were stayed until final decision on the mandamus petition or further order of the appellate court, and the real parties in interest were ordered to respond by 4:00 p.m. on June 16, 2021.

OPINION

PER CURIAM.

Motion Granted and Order filed June 11, 2021. In The Fourteenth Court of Appeals NO. 14-21-00320-CV IN RE MICHAELS STORES, INC. D/BA MICHAELS ART & CRAFTS #2719, Relator ORIGINAL PROCEEDING WRIT OF MANDAMUS 157th District Court Harris County, Texas Trial Court Cause No. 2019-23106 ORDER On June 11, 2021, relator In re Michaels Stores, Inc. d/b/a Michaels Art & Crafts #2719 filed a petition for writ of mandamus and an emergency motion for temporary relief in this Court.

See Tex. Gov't Code Ann. § 22.221; see also Tex. R. App. P. 52. In the petition, relator asks this Court to compel the Honorable Tanya Garrison, presiding judge of the 157th District Court of Harris County, to vacate her Findings and Order on Plaintiff's Motion for Sanctions dated June 8, 2021, in trial court cause number 2019-23106, styled Vaculik v. Micahel's Stores, Inc. Relator claims the trial court abused its discretion in granting spoliation sanctions.

In its emergency motion for temporary relief, relator seeks an order staying the commencement of trial set for June 14, 2021, while the merits of relator's petition are under consideration by this Court. It appears from the facts stated in the petition that relator's request for relief requires further consideration and that relator will be prejudiced unless immediate temporary relief is granted.

See Tex. R. App. p. 52.8(b), 52.10. We therefore ORDER that the proceedings, including the commencement of trial set for June 14, 2021, of the court below be stayed in trial court cause number 2019-23106, styled Vaculik v. Michael's Stores, Inc. Such proceedings are stayed until final decision by this Court of relator's petition for writ of mandamus, or until further orders of this Court.

The Court requests a response from the real parties in interest to the petition for writ of mandamus on or before 4:00 p.m., on June 16, 2021. PER CURIAM Order filed June 11, 2021. 2 Panel consists of Justices Wise, Jewell, and Spain. (J. Spain dissents to the granting of the stay.). 3