

COURT OF APPEALS OF TEXAS, SEVENTH DISTRICT AT AMARILLO

In re Sentry Insurance a Mutual Company

No. 07-21-00123-CV · No. No. 07-21-00123-CV · Decided June 15, 2021

SUMMARY

The Seventh Court of Appeals of Texas denied Sentry Insurance’s petition for a writ of mandamus seeking to require the Randall County trial court to proceed with its lawsuit against Donald Bristow. The court held that the related Nolan County proceedings had dominant jurisdiction because they involved common parties and interrelated claims and were filed first. The Randall County court therefore did not abuse its discretion by abating the action.

CASE DETAILS

COURT	Court of Appeals of Texas, Seventh District at Amarillo
WRITING FOR THE COURT	Brian Quinn, Chief Justice; Parker, Justice; Doss, Justice
JURISDICTION	Texas
DECIDED	June 15, 2021
DOCKET	No. 07-21-00123-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Sentry Insurance sought mandamus relief directing the 251st District Court of Randall County to lift its abatement of Sentry's suit against Donald Bristow. The court denied the petition.
STANDARD OF REVIEW	Mandamus requires the relator to show that the trial court clearly abused its discretion and that no adequate remedy by appeal exists. Whether to abate a later-filed, inherently interrelated suit under the dominant-jurisdiction rule is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Sentry Insurance a Mutual Company v. Hon. Ana Estevez, presiding judge of the 251st District Court

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Randall County trial court abused its discretion by abating Sentry's later-filed action in deference to the Nolan County court's dominant jurisdiction.
2. Whether Sentry was entitled to mandamus relief from the abatement order.

HOLDINGS

1. When inherently interrelated suits are pending in two counties and venue is proper in either county, the court in which suit was first filed acquires dominant jurisdiction, and the court in which the second action is filed generally must abate the later action.
2. Sentry was not entitled to a writ of mandamus because the trial court did not abuse its discretion in abating the Randall County action.

KEY QUOTATIONS

“In instances where inherently interrelated suits are pending in two counties, and venue is proper in either county, the court in which suit was first filed acquires dominant jurisdiction.” (at 3)

“In [those] circumstances, the general rule is that the court in the second action must abate the suit.” (at 3)

FACTUAL BACKGROUND

Sentry and Donald Bristow were involved in multiple suits concerning Sentry's obligation to pay for Bristow's home health care under a workers' compensation settlement agreement and Sentry's claim that it had overpaid those expenses. Related claims and counterclaims were pending in the 32nd Judicial District Court of Nolan County before Sentry filed a new action in Randall County after an administrative decision by the Division of Workers' Compensation. The Randall County court abated the later action because the Nolan County court had dominant jurisdiction.

PROCEDURAL HISTORY

Sentry had previously pursued related claims concerning payments for Bristow's home health care in Nolan County, including a declaratory action and counterclaims that remained pending after Sentry nonsuited its own action. Sentry later filed a related action in Randall County. The Randall County trial court abated that action based on the dominant jurisdiction of the Nolan County district court, and Sentry petitioned the Court of Appeals for a writ of mandamus.

DISPOSITION

writ_denied

CASES CITED

- In re Red Dot Bldg. Sys., Inc., 504 S.W.3d 320, 322 (Tex. 2016)

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