

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

In re Interstate Fire & Casualty Company

No. 01-21-00114-CV · No. No. 01-21-00114-CV · Decided February 3, 2022

SUMMARY

The First District Court of Appeals of Texas considered a petition for writ of mandamus challenging a trial court order staying underlying insurance litigation. The court denied the petition and dismissed any pending motions as moot.

OPINION

PER CURIAM.

Opinion issued February 3, 2022 In The Court of Appeals For The First District of Texas NO. 01-21-00114-CV IN RE INTERSTATE FIRE & CASUALTY COMPANY, CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON AND LONDON MARKET COMPANIES SUBSCRIBING TO POLICY NO. BOWPN1900109, CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON AND LONDON MARKET COMPANIES SUBSCRIBING TO POLICY NO. BOWPN1900110, CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON AND LONDON MARKET COMPANIES SUBSCRIBING TO POLICY NO. BOWPN1900406, CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON AND LONDON MARKET COMPANIES SUBSCRIBING TO POLICY NO. BOWPN1900112, CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NO. B66482AAA, AND EVEREST INDEMNITY INSURANCE COMPANY, Relators Original Proceeding on Petition for Writ of Mandamus MEMORANDUM OPINION Relators, Interstate Fire & Casualty Company, Certain Underwriters at Lloyd's of London and London Market Companies Subscribing to Policy No. BOWPN1900109, Certain Underwriters at Lloyd's of London and London Market Companies Subscribing to Policy No. BOWPN1900110, Certain Underwriters at Lloyd's of London and London Market Companies Subscribing to Policy No. BOWPN1900406, Certain Underwriters at Lloyd's of London and London Market Companies Subscribing to Policy No. BOWPN1900112, Certain Underwriters at Lloyd's of London Subscribing to Policy No. B66482AAA, and Everest Indemnity Insurance Company, have filed a petition for a writ of mandamus challenging the trial court's February 11, 2021 order staying the underlying litigation.¹ 1 The underlying case is Interstate Fire & Casualty Company, Certain Underwriters at Lloyd's of London and London Market Companies Subscribing to Policy No. BOWPN1900109, Certain Underwriters at Lloyd's of London and London Market Companies Subscribing to Policy No. BOWPN1900110, Certain Underwriters at Lloyd's of London and

London Market Companies Subscribing to Policy No. BOWPN1900406, Certain Underwriters at Lloyd's of London and London Market Companies Subscribing to Policy No. BOWPN1900112, Certain Underwriters at Lloyd's of London Subscribing to Policy No. B66482AAA, and Everest Indemnity Insurance Company v. Fertitta Entertainment, Inc., Fertitta Hospitality, LLC, MPBB Holdings I, LLC, 1600 West Loop South, LLC, Ace American Insurance Company, PICC Property & Casualty Co., Ltd., Arch Specialty Insurance Company, Axis Surplus Insurance Company, Homeland Insurance Company of New York, Great American Insurance Company of New York, Lexington Insurance Company, National Fire & Marine Insurance Company, Landmark American Insurance Company, Starr Surplus Lines Insurance Company, and Does 1-100, Cause No. 2020-64162, in the 133rd District Court of Harris County, Texas, the Honorable Jaclanel McFarland presiding.

2 We deny relators' petition for writ of mandamus. See TEX. R. APP. P. 52.8(a). Any pending motions are dismissed as moot. PER CURIAM Panel consists of Justices Goodman, Rivas-Molloy, and Farris. 3