

COURT OF APPEALS OF THE NINTH DISTRICT OF TEXAS AT BEAUMONT

In re Shelton Energy Solutions, LLC

No. 09-23-00144-CV (Tex. App.—Beaumont Aug. 17, 2023) · No. 09-23-00144-CV · Decided August 17, 2023

SUMMARY

The Ninth Court of Appeals of Texas denied Shelton Energy Solutions, LLC’s petition for a writ of mandamus challenging orders that denied its motions to show authority, join necessary parties, and abate a wrongful-death lawsuit. The court concluded that Shelton Energy had not established an abuse of discretion for which there was no adequate remedy by appeal, particularly in light of a pending probate-court heirship proceeding, and denied relief without prejudice.

CASE DETAILS

COURT	Court of Appeals of the Ninth District of Texas at Beaumont
WRITING FOR THE COURT	Per Curiam; Golemon, C.J.; Horton, J.; Wright, J.
JURISDICTION	Texas
DECIDED	August 17, 2023
DOCKET	09-23-00144-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original mandamus proceeding challenging the trial court's denial of motions to show authority, join necessary parties, and abate a personal-injury and wrongful-death lawsuit pending resolution of estate heirship and administration issues.
STANDARD OF REVIEW	Mandamus relief is available to correct a trial court's abuse of discretion when an appeal provides an inadequate remedy. A trial court abuses its discretion when its ruling is arbitrary and unreasonable or is made without regard to guiding legal principles or supporting evidence. The adequacy of an appellate remedy is determined by balancing the benefits of mandamus review against its detriments.
PRECEDENTIAL VALUE	published
PARTIES	Shelton Energy Solutions, LLC (Relator) v. Asia Cole, Ciara Cole, Rance Cole III, Jade Cole, Anissa Haynes (intervenor)

TOPICS

appellate procedure

probate procedure

estate administration

civil procedure

personal injury

PRACTICE AREAS

civil procedure

appellate procedure

probate

wrongful death

personal injury

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Shelton Energy's motion to show authority.
2. Whether the trial court abused its discretion by denying Shelton Energy's motion to join necessary parties.
3. Whether the trial court abused its discretion by denying Shelton Energy's motion to abate the personal-injury and wrongful-death lawsuit pending a probate determination of heirship and appointment of an estate representative.
4. Whether Shelton Energy established that it lacked an adequate remedy by appeal, particularly in light of the subsequently commenced heirship proceeding.

HOLDINGS

1. Mandamus relief was not warranted because Shelton Energy did not establish that the trial court's orders constituted an abuse of discretion for which there was no adequate remedy by appeal.

KEY QUOTATIONS

"We may grant mandamus relief to correct a trial court's abuse of discretion when an appeal provides an inadequate remedy." (at 3)

"An abuse of discretion occurs when a trial court's ruling is arbitrary and unreasonable or is made without regard for guiding legal principles or supporting evidence." (at 3)

"After considering the parties' arguments, the mandamus record, in light of the commencement of proceedings in the probate court, and balancing the benefits of mandamus review against the detriments, we conclude Relator has not established that the trial court's orders constitute an abuse of discretion from which there is no adequate remedy by appeal." (at 3-4)

FACTUAL BACKGROUND

Rance Cole died on May 7, 2022, from injuries sustained in a motor vehicle accident. Four of his children sued the alleged driver and his employer, asserting that they were statutory wrongful-death beneficiaries and heirs at law and seeking relief on behalf of other beneficiaries and heirs. Rance Cole's former wife, Anissa Haynes, intervened and asserted wrongful-death and survival claims. Shelton Energy challenged the plaintiffs' authority to pursue the claims and argued that all heirs and the estate's personal representative had to be identified or joined before the litigation could proceed.

PROCEDURAL HISTORY

The Coles sued Seth Marceaux and Shelton Energy Solutions, LLC following Rance Cole's death from injuries sustained in a motor vehicle accident. Anissa Haynes intervened and asserted wrongful-death and survival claims. Shelton Energy moved to show authority, join necessary parties, and abate the case pending proof of heirship and appointment of an estate representative; the trial court denied all three motions. During the mandamus proceeding, an application to declare heirship was filed in the Polk County probate court. The court of appeals denied mandamus relief without prejudice.

DISPOSITION

writ_denied

CASES CITED

- In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding)
- Walker v. Packer, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding)
- In re Nationwide Ins. Co. of Am., 494 S.W.3d 708, 712 (Tex. 2016) (orig. proceeding)
- In re Essex Ins. Co., 450 S.W.3d 524, 528 (Tex. 2014) (orig. proceeding)

OPINION

PER CURIAM.

In The Court of Appeals Ninth District of Texas at Beaumont _____ NO. 09-23-00144-CV _____ IN RE SHELTON ENERGY SOLUTIONS, LLC

Original
Proceeding 411th District Court of Polk County, Texas Trial Cause No. CIV-22-0356

MEMORANDUM OPINION In this original proceeding, Relator, Shelton Energy Solutions, LLC (“Relator” or “Shelton Energy”), seeks to compel the trial court presiding in a personal injury suit to vacate its March 29, 2023 orders denying Shelton Energy’s motions to show authority, to join necessary parties, and to abate the lawsuit.

We obtained a response from the real parties in interest, Asia Cole, Ciara Cole, Rance Cole III, and Jade Cole (“the Coles” or the “plaintiffs”). We deny mandamus relief. Rance Cole died on May 7, 2022, as a result of injuries he sustained in a motor vehicle accident. Four of Cole’s children sued Seth Marceaux and his employer, Shelton Energy.

The Coles alleged they are Rance Cole’s statutory beneficiaries and 1 heirs at law of his estate and they sued on behalf of any other wrongful death beneficiaries and heirs at law of the estate. Rance Cole’s wife, Anissa Haynes, intervened, seeking wrongful death and survival damages. Shelton Energy filed a motion to show authority, a motion to join necessary parties, and a motion to abate the lawsuit until the plaintiffs showed they have authority to pursue the suit on behalf of the

Decedent or the Estate and the personal representative of the Estate has been joined as a necessary party.

In response, the Coles urged the trial court to make findings related to heirship without sending the case to a probate court for an heirship proceeding or the appointment of an administrator. The Coles supported their response with an affidavit of family history from each of the Coles, Rance Cole's former wife, and the former wife's motion.

The Coles also supported their motion with an affidavit from Anissa Haynes regarding the Decedent's family history and paid funeral expenses. Shelton Energy objected to the affidavits, which it argued proved nothing because they merely stated that the affiant did not know of any other heirs and they had paid certain debts.

The trial court overruled Shelton Energy's objections to the affidavits and denied all three motions. Shelton Energy filed this mandamus petition to compel the trial court to vacate its orders and grant Shelton Energy's motions. Shelton Energy complains the Coles presented no evidence that they are the only heirs to the Decedent's Estate and no evidence that an administration is not necessary.

It argues the purported family settlement agreement signed by the Coles and Anissa Haynes does not obviate the need for an administration of the Estate because it fails to include all heirs of the Decedent, known and unknown.

The Coles filed a response that argued in part that this original proceeding is moot because an application to declare heirship has been filed in the County Court at Law of Polk County, Texas. In reply, Shelton Energy complains that the Coles did not notify Shelton Energy of the pending heirship proceeding. It asks this Court to abate all trial court proceedings until the probate court declares all heirs and appoints a permanent administrator for the estate.

We may grant mandamus relief to correct a trial court's abuse of discretion when an appeal provides an inadequate remedy. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding); *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). An abuse of discretion occurs when a trial court's ruling is arbitrary and unreasonable or is made without regard for guiding legal principles or supporting evidence.

In re Nationwide Ins. Co. of Am., 494 S.W.3d 708, 712 (Tex. 2016) (orig. proceeding). We determine the adequacy of an appellate remedy by balancing the benefits of mandamus review against the 3 detriments. *In re Essex Ins. Co.*, 450 S.W.3d 524, 528 (Tex. 2014) (orig. proceeding); *In re Prudential Ins. Co. of Am.*, 148 S.W.3d at 136.

After considering the parties' arguments, the mandamus record, in light of the commencement of proceedings in the probate court, and balancing the benefits of mandamus review against the

detriments, we conclude Relator has not established that the trial court's orders constitute an abuse of discretion from which there is no adequate remedy by appeal.

We deny the petition for a writ of mandamus without prejudice. See Tex. R. App. P. 52.8(a). PETITION DENIED. PER CURIAM Submitted on July 6, 2023 Opinion Delivered August 17, 2023 Before Golemon, C.J., Horton and Wright, JJ. 4