

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)