

COURT OF APPEALS OF THE THIRTEENTH DISTRICT OF TEXAS, CORPUS
CHRISTI–EDINBURG

In re Andes Global Trading, LLC, Smithfield Foods, Inc., Smithfield
Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., and
Smithfield Direct LLC v. the State of Texas

No. 13-26-00356-CV (Tex. App.—Corpus Christi–Edinburg June 24, 2026) (mem. op.) · No. 13-26-00356-CV ·
Decided June 24, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas dismissed Andes Global Trading, LLC’s mandamus claims as moot after the trial court ruled on its special appearance. The court conditionally granted mandamus relief to Smithfield, concluding that the trial court had unreasonably delayed ruling on Smithfield’s special appearance, and directed the trial court to rule promptly.

CASE DETAILS

COURT	Court of Appeals of the Thirteenth District of Texas, Corpus Christi–Edinburg
WRITING FOR THE COURT	Clarissa Silva; Peña; Fonseca
JURISDICTION	Court of Appeals of the Thirteenth District of Texas
DECIDED	June 24, 2026
DOCKET	13-26-00356-CV
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original proceeding in the court of appeals seeking a writ of mandamus to compel the trial court to rule on relators' special appearances.
STANDARD OF REVIEW	Mandamus requires a clear abuse of discretion and the absence of an adequate remedy by appeal. Whether the trial court failed to rule within a reasonable time is determined from the totality of the facts and circumstances, including the complexity of the motion, the court's knowledge of it, the court's refusal or failure to act, the docket, and competing judicial or administrative matters.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential status is not otherwise explained in the opinion text.

PARTIES

Andes Global Trading, LLC, Smithfield Foods, Inc., Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Direct LLC v. the State of Texas

TOPICS

personal jurisdiction

appellate procedure

standard of review

civil procedure

PRACTICE AREAS

civil procedure

appellate procedure

personal jurisdiction

mandamus

commercial litigation

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by failing to rule on Smithfield's properly filed special appearance within a reasonable time.
2. Whether Smithfield lacked an adequate remedy by appeal, permitting mandamus relief.
3. Whether Andes's mandamus claims became moot after the trial court granted Andes's special appearance.

HOLDINGS

1. Andes's claims in the mandamus proceeding were moot because the trial court granted Andes's special appearance; the court therefore dismissed those claims.
2. A trial court has a ministerial duty to consider and rule on properly filed and pending motions, and mandamus may issue when the court fails or refuses to rule within a reasonable time.
3. The trial court's failure to rule on Smithfield's special appearance for more than two and a half years after the hearing was objectively unreasonable.
4. Smithfield lacked an adequate remedy by appeal for the trial court's failure to rule, satisfying the second prerequisite for mandamus relief.

KEY QUOTATIONS

“The trial court has a ministerial duty to consider and rule on motions that are properly filed and pending before it, and mandamus may issue to compel the trial court to act.” (at 5)

“We conclude that this delay in ruling is objectively unreasonable.” (at 7)

“We direct the trial court to promptly rule on Smithfield’s special appearance.” (at 9)

FACTUAL BACKGROUND

Arena sued the relators and other defendants for injuries allegedly sustained while working at a pork-processing plant in North Carolina. Smithfield and Andes filed special appearances contesting general and specific personal jurisdiction. Although the trial court held a hearing on the special appearances on October 17, 2023, it did not rule for more than two and a half years despite repeated requests and indications that rulings would issue. During

the mandamus proceeding, the trial court granted Andes's special appearance, but still had not ruled on Smithfield's.

PROCEDURAL HISTORY

Victor Cavazos Arena filed a personal-injury suit in Hidalgo County against CP3 Transport Services, Hidalgo Cold Storage, Andes, and Smithfield. Andes and Smithfield filed special appearances challenging personal jurisdiction; after a hearing on October 17, 2023, the trial court did not rule despite repeated requests. Andes later obtained an order granting its special appearance and moved to dismiss its mandamus claims as moot. The court of appeals dismissed Andes's claims as moot and conditionally granted mandamus relief to Smithfield.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The trial court must promptly rule on Smithfield's special appearance. The writ will issue only if the trial court fails to act in accordance with the memorandum opinion. Andes's claims were dismissed as moot.

CASES CITED

- BMC Software Belg., N.V. v. Marchand, 83 S.W.3d 789, 795-96 (Tex. 2002)
- In re Ill. Nat'l Ins., 685 S.W.3d 826, 834 (Tex. 2024) (orig. proceeding)
- In re Liberty Cnty. Mut. Ins., 679 S.W.3d 170, 174 (Tex. 2023) (orig. proceeding) (per curiam)
- In re AutoZoners, LLC, 694 S.W.3d 219, 223 (Tex. 2024) (orig. proceeding) (per curiam)
- In re Auburn Creek Ltd. P'ship, 655 S.W.3d 837, 843 (Tex. 2022) (orig. proceeding) (per curiam)
- In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 136-37 (Tex. 2004) (orig. proceeding)
- In re Cont. Freighters, Inc., 646 S.W.3d 810, 813 (Tex. 2022) (orig. proceeding) (per curiam)
- Heckman v. Williamson County, 369 S.W.3d 137, 162 (Tex. 2012)
- In re Kellogg Brown & Root, Inc., 166 S.W.3d 732, 737 (Tex. 2005) (orig. proceeding)
- Eli Lilly & Co. v. Marshall, 829 S.W.2d 157, 158 (Tex. 1992) (orig. proceeding) (per curiam)
- In re Regency Nursing Ctr. Partners of Edinburg Ltd., 2025 WL 2858118, at *4-6 (Tex. App.—Corpus Christi—Edinburg Oct. 8, 2025, orig. proceeding) (mem. op.)
- In re Liverman, 658 S.W.3d 881, 882-83 (Tex. App.—El Paso 2022, orig. proceeding)
- In re Robbins, 622 S.W.3d 600, 601 (Tex. App.—Houston [14th Dist.] 2021, orig. proceeding)
- In re Ramos, 598 S.W.3d 472, 473 (Tex. App.—Houston [14th Dist.] 2020, orig. proceeding)
- In re Greater McAllen Star Props., Inc., 444 S.W.3d 743, 748 (Tex. App.—Corpus Christi—Edinburg 2014, orig. proceeding)
- In re GTG Sols., Inc., 642 S.W.3d 47, 50 (Tex. App.—El Paso 2021, orig. proceeding)
- In re ADUSA Transp. LLC, 2025 WL 1351539, at *2-3 (Tex. App.—Corpus Christi—Edinburg May 8, 2025, orig. proceeding) (mem. op.)

- In re Gibson, 533 S.W.3d 916, 917 (Tex. App.—Texarkana 2017, orig. proceeding)
- In re Nomarco, Inc., 2020 WL 1181705, at *1-2 (Tex. App.—Houston [14th Dist.] Mar. 12, 2020, orig. proceeding) (per curiam) (mem. op.)
- In re Roland's Roofing Co., 2019 WL 5444399, at *5 (Tex. App.—Corpus Christi—Edinburg Oct. 23, 2019, orig. proceeding) (mem. op.)
- Clanton v. Clark, 639 S.W.2d 929, 930-31 (Tex. 1982)
- Castro v. Schlumberger Tech. Corp., 673 S.W.3d 294, 305 (Tex. App.—San Antonio 2023, no pet.)
- King Fisher Marine Serv., L.P. v. Tamez, 443 S.W.3d 838, 843 (Tex. 2014)
- In re Marriage of Harrison, 557 S.W.3d 99, 123 (Tex. App.—Houston [14th Dist.] 2018, pet. denied)
- In re Synergy Glob. Outsourcing, LLC, 2025 WL 2495043, at *3 (Tex. App.—Dallas Aug. 29, 2025, orig. proceeding) (mem. op.)

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