

COURT OF APPEALS OF THE EIGHTH DISTRICT OF TEXAS, EL PASO

In re Arrow Freight Management, Inc.

In re Arrow Freight · No. 08-11-00271-CV · Decided September 28, 2011

OPINION

PER CURIAM.

COURT OF APPEALS EIGHTH DISTRICT OF TEXAS EL PASO, TEXAS § IN RE: ARROW FREIGHT § No. 08-11-00271-CV MANAGEMENT, INC., § AN ORIGINAL PROCEEDING Relator. § IN MANDAMUS MEMORANDUM OPINION ON PETITION FOR WRIT OF MANDAMUS Relator seeks a writ of mandamus to overturn an order denying its motion to compel arbitration pursuant to the Federal Arbitration Act (FAA).

A writ of mandamus will issue only if the trial court clearly abused its discretion and if the relator has no adequate remedy by appeal. In re Prudential Ins. Co. of America, 148 S.W.3d 124, 135-36 (Tex. 2004). A party may take an interlocutory appeal from an order denying a motion to compel arbitration under the FAA. See TEX.CIV.PRAC.& REM.CODE ANN. § 51.016 (West Supp. 2010); In re Merrill Lynch & Co., Inc., 315 S.W.3d 888, 891 n.3 (Tex.

2010)(orig. proceeding). Because Relator has an adequate remedy by appeal, the petition for a writ of mandamus is denied. See In re H.D. Vest, Inc., 334 S.W.3d 333, 334 (Tex.App.--El Paso 2010, orig. proceeding). Relator's motion to stay is likewise denied. September 28, 2011 ANN CRAWFORD McCLURE, Justice Before Chew, C.J., McClure, and Rivera, JJ. Chew, C.J., not participating