

COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO

In re Gerarda Escamilla Luna, as Next Friend of Minors Yazmin Alejandra Escamilla and Andreina Torres Escamilla

No. 04-10-00333-CV (Tex. App.—San Antonio May 26, 2010) · No. No. 04-10-00333-CV · Decided May 26,
2010

SUMMARY

The Texas Fourth Court of Appeals denied Gerarda Escamilla Luna’s petition for writ of mandamus in an original proceeding. The court also denied her emergency motions for temporary relief, concluding that she was not entitled to the relief sought.

CASE DETAILS

COURT	Court of Appeals of Texas, Fourth District, San Antonio
WRITING FOR THE COURT	Per Curiam; Catherine Stone, Chief Justice; Karen Angelini, Justice; Sandee Bryan Marion, Justice
JURISDICTION	Texas
DECIDED	May 26, 2010
DOCKET	No. 04-10-00333-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original mandamus proceeding in which the relator sought a writ of mandamus and emergency temporary relief.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Gerarda Escamilla Luna, relator

TOPICS

[appellate procedure](#) [remedies](#) [civil procedure](#)

PRACTICE AREAS

[civil procedure](#) [appellate procedure](#) [remedies](#)

QUESTIONS PRESENTED

- Whether the relator was entitled to a writ of mandamus.

2. Whether the relator was entitled to emergency temporary relief.

HOLDINGS

1. The relator was not entitled to the relief sought; the petition for writ of mandamus and both emergency motions for temporary relief were denied.

FACTUAL BACKGROUND

The opinion provides no substantive factual background concerning the underlying dispute. It states only that the mandamus proceeding arose from consolidated or related causes pending in the 341st Judicial District Court in Webb County, styled Dolores Fabiola Lopez, et al. v. Land Line Express, Ltd., et al.

PROCEDURAL HISTORY

On April 29, 2010, the relator filed a petition for writ of mandamus and an emergency motion for temporary relief. The court requested a response, denied the emergency motion in part, and later considered a second emergency motion for temporary relief, the mandamus petition, and the real party in interest's response. The court denied the petition and both emergency motions.

DISPOSITION

writ_denied

OPINION

in Re Gerarda Escamilla Luna, as Next Friend of Minors Yazmin Alejandra Escamilla and Andreina Torres Escamilla, Relator

PER CURIAM.

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MEMORANDUM OPINION

No. 04-10-00333-CV IN RE Gerarda Escamilla LUNA, As Next Friend of Minors Yazmin Alejandra Escamilla and Andreina Torres Escamilla Original Mandamus Proceeding1

PER CURIAM

Sitting: Catherine Stone, Chief Justice Karen Angelini, Justice Sandee Bryan Marion, Justice
Delivered and Filed: May 26, 2010

PETITION FOR WRIT OF MANDAMUS DENIED

On April 29, 2010, relator filed a petition for writ of mandamus and an emergency motion for temporary relief. On April 30, 2010, this court requested a response and denied the emergency motion for temporary relief in part. On May 5, 2010, relator filed a second emergency motion for temporary relief. The court has considered relator's petition for writ of mandamus and real party in interest's response and is of the opinion that relator is not entitled to the relief sought. Accordingly,
1 ... This proceeding arises out of Cause Nos. 2008CVE001933 D3 and 2008CVE001933 B-D3,

styled Dolores Fabiola Lopez, et al. v. Land Line Express, Ltd., et al., pending in the 341st Judicial District Court, Webb County, Texas, the Honorable Elma T. Salinas Ender, presiding. 04-10-00333-CV the petition for writ of mandamus, the emergency motion for temporary relief, and the second emergency motion for temporary relief are DENIED. See TEX . R. APP . P. 52.8(a).

PER CURIAM

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