

COURT OF APPEALS FOR THE FIFTH DISTRICT OF TEXAS AT DALLAS

**In re George Gillespie, Peter Henrikson and Ira Shapiro, Trustee, Ira
Shapiro Family Trust (2012)**

In re Gillespie · No. 05-20-00778-CV · Decided September 25, 2020

OPINION

PER CURIAM.

Order entered September 25, 2020 In The Court of Appeals Fifth District of Texas at Dallas No. 05-20-00778-CV IN RE GEORGE GILLESPIE, PETER HENRIKSON AND IRA SHAPIRO, TRUSTEE, IRA SHAPIRO FAMILY TRUST (2012), Relators Original Proceeding from the 44th Judicial District Court Dallas County, Texas Trial Court Cause No. DC-19-09846 ORDER Before Justices Whitehill, Pedersen, III, and Carlyle Before the Court is relators' August 28, 2020 petition for writ of mandamus.

In the petition, relators challenge the trial court's "Order Regarding Defendant Constant's Motion to Compel Arbitration, Plaintiffs' Special Exception and Staying/Abating the Proceedings" and "Order Regarding Pending Discovery Requests." Real parties also challenge the same order regarding the motion to compel arbitration to the extent that the court denied arbitration with respect to certain parties, pursuant to their interlocutory appeal pending under cause number 05-20-00734-CV.

We conclude that these proceedings should be decided together. See *In re Valero Energy Corp.*, 968 S.W.2d 916, 916–17 (Tex. 1998). Accordingly, on the Court's own motion, we ORDER cause number 05-20- 00778-CV CONSOLIDATED into cause number 05-20-00734-CV.

We DIRECT the Clerk of this Court to remove all documents from cause number 05-20-00778-CV and refile them in cause number 05-20-00734-CV and to treat cause number 05-20-00778-CV as a closed case. We ORDER that all future filings bear only cause number 05-20-00734-CV. All current deadlines in cause number 05-20- 00734-CV remain in place.

We request that the real parties in interest and respondent file a response to the petition for writ of mandamus, if any, within TWENTY DAYS of this order. In accordance with this consolidation order, that response should be filed in cause number 05-20-00734-CV.

We DIRECT the Clerk of this Court to send a copy of this order to all parties, the trial judge, and the Dallas District Court Clerk. /s/ CORY L. CARLYLE JUSTICE