

COURT OF APPEALS OF TEXAS, FOURTEENTH DISTRICT

In re Texas La Fiesta Auto Sales, LLC and Patricia Tubbs

No. 14-13-01067-CV · No. No. 14-13-01067-CV · Decided February 3, 2014

SUMMARY

The Fourteenth Court of Appeals of Texas issued an order in an original mandamus proceeding concerning a trial court ruling compelling arbitration under a disputed employment contract. The court directed the relators to advise it about the status of the underlying arbitration proceedings by February 17, 2014, while the mandamus petition remained pending.

CASE DETAILS

COURT	Court of Appeals of Texas, Fourteenth District
WRITING FOR THE COURT	Chief Justice Frost; Justice Boyce; Justice Jamison
JURISDICTION	Texas
DECIDED	February 3, 2014
DOCKET	No. 14-13-01067-CV
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding in which relators sought a writ of mandamus compelling the trial judge to vacate an order compelling arbitration under a disputed employment contract. The order addressed relators' obligation to report the status of the underlying arbitration proceedings while the mandamus petition remained pending.
PRECEDENTIAL VALUE	Published order
PARTIES	Texas La Fiesta Auto Sales, LLC, Patricia Tubbs

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Court should order relators to report the status of arbitration proceedings while their petition for writ of mandamus remained pending.

FACTUAL BACKGROUND

The underlying litigation involved a disputed employment contract containing an arbitration provision. The Harris County district court compelled the parties to arbitrate, prompting Texas La Fiesta Auto Sales, LLC and Patricia Tubbs to seek mandamus relief. The relators stated that the final arbitration hearing was scheduled for January 2, 2014.

PROCEDURAL HISTORY

Relators filed a petition for writ of mandamus in the Fourteenth Court of Appeals on November 27, 2013, challenging the trial court's order compelling arbitration. They moved to stay the arbitration proceedings, but the Court denied that motion on December 12, 2013, and denied rehearing on December 30, 2013. Because relators represented that the final arbitration hearing had been scheduled for January 2, 2014, the Court ordered them to provide an update on the status of the arbitration proceedings by February 17, 2014.

DISPOSITION

other

OPINION

PER CURIAM.

Order filed February 3, 2014. In The Fourteenth Court of Appeals NO. 14-13-01067-CV IN RE TEXAS LA FIESTA AUTO SALES, LLC AND PATRICIA TUBBS, Relators ORIGINAL PROCEEDING WRIT OF MANDAMUS 11th District Court Harris County, Texas Trial Court Cause No. 2010-23318 ORDER On November 27, 2013, relators Texas La Fiesta Auto Sales, LLC and Patricia Tubbs filed a petition for writ of mandamus in this Court.

See Tex. Gov't Code § 22.221; see also Tex. R. App. P. 52. In the petition, relators ask this Court to compel the Honorable Mike Miller, presiding judge of the 11th District Court of Harris County, to vacate a ruling compelling the parties to arbitration under a provision of a disputed employment contract.

On December 10, 2013, relators filed a motion with this Court to stay the arbitration proceedings in the underlying litigation pending a decision on the petition for writ of mandamus. See Tex. R. App. P. 52.10. This Court denied the motion to stay on December 12, 2013. Relators filed a motion for rehearing with this Court on December 19, 2013. This Court denied the motion for rehearing on December 30, 2013.

The petition for writ of mandamus remains pending before this Court. In their motion for rehearing on the denial of the motion to stay, relators stated that the final arbitration hearing was scheduled to occur on January 2, 2014.

Therefore, this Court ORDERS relators to advise this Court on or before February 17, 2014, as to the status of the arbitration proceedings in the underlying litigation. PER CURIAM Panel Consists of Chief Justice Frost and Justices Boyce and Jamison. 2