

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

In re John James Harkins, et al.

In re Harkins · No. 13-12-00444-CV · Decided August 1, 2012

SUMMARY

The Thirteenth Court of Appeals of Texas considered a petition for writ of mandamus challenging the denial of a motion to secure production revenues in the court registry. The court concluded that the relators had not shown entitlement to mandamus relief and denied the petition.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                             |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg                                                                                                                                                                                     |
| WRITING FOR THE COURT | Per Curiam; Chief Justice Valdez; Justice Garza; Justice Vela                                                                                                                                                                                               |
| JURISDICTION          | Texas                                                                                                                                                                                                                                                       |
| DECIDED               | August 1, 2012                                                                                                                                                                                                                                              |
| DOCKET                | 13-12-00444-CV                                                                                                                                                                                                                                              |
| DISPOSITION           | writ_denied                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Relators petitioned for a writ of mandamus challenging the respondent trial judge's denial of their Motion to Secure Production Revenues in the Registry of the Court.                                                                                      |
| STANDARD OF REVIEW    | Mandamus relief requires relators to establish that the respondent abused his discretion and that relators lack an adequate remedy by appeal.                                                                                                               |
| PRECEDENTIAL VALUE    | Memorandum opinion; the text cites Texas Rule of Appellate Procedure 47.4 distinguishing opinions and memorandum opinions.                                                                                                                                  |
| PARTIES               | John James Harkins, Delores Marie Harkins, Janey Francis Harkins Hiller, Allen Anthony Harkins, Patricia Ailene Harkins a/k/a Patricia Ailene O'Rear, Wilson William Harkins IV, Heath Alan Harkins, Dynamic Production, Inc. v. North Shore Energy, L.L.C. |

TOPICS

- writ of certiorari
- appellate procedure
- remedies
- civil procedure
- oil and gas

## PRACTICE AREAS

civil procedure

appellate procedure

remedies

oil and gas

## QUESTIONS PRESENTED

1. Whether the trial judge abused his discretion by denying relators' Motion to Secure Production Revenues in the Registry of the Court.
2. Whether relators lacked an adequate appellate remedy so as to warrant mandamus relief.

## HOLDINGS

1. Relators failed to demonstrate that they were entitled to mandamus relief from the denial of their motion to secure production revenues.

## KEY QUOTATIONS

*“we conclude that relators have not shown themselves entitled to the relief sought and the petition for writ of mandamus should be denied.”*

*“Accordingly, the petition for writ of mandamus is DENIED.”*

## FACTUAL BACKGROUND

Relators sought an order securing production revenues in the registry of the trial court. The presiding judge of the 267th Judicial District Court denied that motion on June 25, 2012, prompting relators to seek mandamus relief.

## PROCEDURAL HISTORY

The 267th Judicial District Court of Goliad County denied relators' motion on June 25, 2012. Relators sought mandamus relief in the Thirteenth Court of Appeals, which considered the petition and the response of real party in interest North Shore Energy, L.L.C., and denied relief.

## DISPOSITION

writ\_denied

## OPINION

PER CURIAM.

NUMBER 13-12-00444-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS  
CORPUS CHRISTI – EDINBURG IN RE JOHN JAMES HARKINS, ET AL. On Petition for  
Writ of Mandamus. MEMORANDUM OPINION Before Chief Justice Valdez and Justices Garza  
and Vela Memorandum Opinion Per Curiam1 Relators2 have filed a petition for writ of mandamus  
in which they argue that respondent, the Honorable Stephen Williams, Presiding Judge of the

267th Judicial District Court of Goliad County, Texas, abused his discretion, leaving relators without an adequate appellate remedy, by denying relators' "Motion to Secure Production Revenues in the Registry of the Court" on June 25, 2012.

1 See TEX. R. APP. P. 47.4 (distinguishing opinions and memorandum opinions), 52.8(d) ("When denying relief, the court may hand down an opinion but is not required to do so."). 2 Relators are: John James Harkins; Delores Marie Harkins; Janey Francis Harkins Hiller; Allen Anthony Harkins; Patricia Ailene Harkins a/k/a Patricia Ailene O'Rear; Wilson William Harkins IV; Heath Alan Harkins; and Dynamic Production, Inc. Having reviewed and fully considered relators' petition and the response filed by the real party in interest, North Shore Energy, L.L.C., we conclude that relators have not shown themselves entitled to the relief sought and the petition for writ of mandamus should be denied.

Accordingly, the petition for writ of mandamus is DENIED. PER CURIAM Delivered and filed the 1st day of August, 2012. 2