

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