

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

In re State Farm Lloyds, Richard Freymann, Rolando Renteria, and
Michelle Raney

No. 13-14-00558-CV · No. 13-14-00558-CV · Decided September 25, 2014

SUMMARY

The Thirteenth Court of Appeals of Texas denied a petition for writ of mandamus filed by State Farm Lloyds and individual relators. The relators sought to compel abatement of an insurance-related damages suit under Texas Insurance Code sections 541.154 and 541.155 and requested temporary relief staying the trial court's order.

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 Longoria
JURISDICTION	Texas
DECIDED	September 25, 2014
DOCKET	13-14-00558-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Relators petitioned for a writ of mandamus directing the 206th District Court of Hidalgo County to withdraw its order denying their verified plea in abatement and to abate the underlying damages suit. They also sought immediate temporary relief staying the challenged order.
PRECEDENTIAL VALUE	Memorandum opinion in an original mandamus proceeding; precedential status is not otherwise stated in the opinion.
PARTIES	State Farm Lloyds, Richard Freymann, Rolando Renteria, Michelle Raney v. Leopoldo Aguilar, Maria Aguilar

TOPICS

- writ of certiorari
- appellate procedure
- insurance
- remedies
- civil procedure

PRACTICE AREAS

civil procedure

insurance

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether the court of appeals should issue a writ of mandamus directing the trial court to withdraw its order denying relators' plea in abatement and abate the damages action under Texas Insurance Code sections 541.154 and 541.155.
2. Whether the court should grant immediate temporary relief staying the trial court's order.

HOLDINGS

1. The petition for writ of mandamus was denied.
2. The request for immediate temporary relief staying the trial court's order was denied.

KEY QUOTATIONS

“Accordingly, the Court DENIES the petition for writ of mandamus and request for immediate temporary relief.”

FACTUAL BACKGROUND

The real parties in interest brought a damages suit against State Farm Lloyds and the individual relators. Relators contended that the suit should be abated because the Aguilers had not provided a notice letter stating separate amounts for claimed damages and attorney's fees. The trial court denied relators' verified plea in abatement.

PROCEDURAL HISTORY

Leopoldo and Maria Aguilar brought a damages action against the relators. The Honorable Rose Guerra Reyna, presiding judge of the 206th District Court of Hidalgo County, denied relators' verified plea in abatement. Relators then sought mandamus relief and a temporary stay from the Thirteenth Court of Appeals, which denied both requests.

DISPOSITION

writ_denied

CASES CITED

- In re State Farm Lloyds, Richard Freymann, and Nathan Burris, No. 13-14-00347-CV, 2014 WL 4243701 (Tex. App.—Corpus Christi Aug. 27, 2014, orig. proceeding) (mem. op.)

OPINION

PER CURIAM.

NUMBER 13-14-00558-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI - EDINBURG IN RE STATE FARM LLOYDS, RICHARD FREYMANN,

ROLANDO RENTERIA, AND MICHELLE RANEY On Petition for Writ of Mandamus. MEMORANDUM OPINION Before Chief Justice Valdez and Justices Garza and Longoria Memorandum Opinion Per Curiam¹ Relators, State Farm Lloyds, Richard Freymann, Rolando Renteria, and Michelle Raney, have filed a petition for writ of mandamus requesting that this Court direct respondent, the Honorable Rose Guerra Reyna, Presiding Judge of the 206th District Court of Hidalgo County, Texas, to withdraw her order denying relators' verified plea in abatement and to enter an order abating the suit for damages brought against relators by the real parties in interest, Leopoldo Aguilar and Maria Aguilar, until sixty days after they 1 See TEX. R. APP.

P. 52.8(d) ("When denying relief, the court may hand down an opinion but is not required to do so."); TEX. R. APP. P. 47.4 (distinguishing opinions and memorandum opinions). provide relators with a notice letter for their claim stating the specific, separate amounts for the claimed damages and attorney's fees. See TEX. INS. CODE ANN. § 541.154 (West, Westlaw through 2013 3d C.S.) ("Prior Notice of Action"); id. § 541.155 (West, Westlaw through 2013 3d C.S.) ("Abatement"); TEX. R. APP.

P. 52.1 ("Commencement" of Original Proceedings). In addition, relators request that this Court issue immediate temporary relief staying respondent's order denying the plea in abatement. See TEX. R. APP. P. 52.10 ("Temporary Relief").

The Court, having examined and fully considered the petition for writ of mandamus and the applicable law, is of the opinion that the petition for writ of mandamus should be denied for the reasons expressed in our opinion in *In re State Farm Lloyds, Richard Freymann, and Nathan Burris*, No. 13-14-00347-CV, 2014 WL 4243701, at **4–9 (Tex. App.—Corpus Christi Aug.

27, 2014, orig. proceeding) (mem. op). Accordingly, the Court DENIES the petition for writ of mandamus and request for immediate temporary relief. See TEX. R. APP. P. 52.8(d). PER CURIAM Delivered and filed the 25th day of September, 2014. 2