

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

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.)