

FOURTH COURT OF APPEALS OF TEXAS AT SAN ANTONIO

In re SuEllen Hoeflinger-Hotchkiss

No. 04-19-00872-CV (Tex. App.—San Antonio Jan. 3, 2020) · No. No. 04-19-00872-CV · Decided January 3, 2020

SUMMARY

The Fourth Court of Appeals of Texas considered an original mandamus proceeding arising from a Bexar County probate matter. The court ordered the respondent and real parties in interest to respond to the mandamus petition by January 21, 2020, but denied the relator's request to stay the trial court proceedings.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas at San Antonio
WRITING FOR THE COURT	Per Curiam; Sandee Bryan Marion, Chief Justice; Irene Rios, Justice; Liza A. Rodriguez, Justice
JURISDICTION	Texas
DECIDED	January 3, 2020
DOCKET	No. 04-19-00872-CV
DISPOSITION	other
PROCEDURAL POSTURE	Original mandamus proceeding in which the relator requested a stay of trial-court proceedings pending final resolution of the mandamus petition.
PRECEDENTIAL VALUE	Published per curiam order; the order text does not announce a substantive holding on the mandamus merits.
PARTIES	SuEllen Hoeflinger-Hotchkiss, relator v. Respondent, Real parties in interest

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the relator was entitled to a stay of trial-court proceedings pending final resolution of the mandamus petition.

KEY QUOTATIONS

“This court believes a serious question concerning the mandamus relief sought requires further consideration.”

FACTUAL BACKGROUND

The proceeding arose from a probate case styled In the Estate of Gregory Lyle Hotchkiss a/k/a Gregory L. Hotchkiss, Deceased. The relator sought mandamus relief and a stay of trial-court proceedings while the appellate court considered the mandamus petition. The court found that the mandamus request presented a serious question but denied the stay.

PROCEDURAL HISTORY

On December 17, 2019, the relator filed a petition for writ of mandamus and requested a stay of proceedings in the probate court. The court of appeals concluded that a serious question concerning the requested mandamus relief required further consideration, ordered the respondent and real parties in interest to file responses by January 21, 2020, and denied the requested stay.

DISPOSITION

other

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas January 3, 2020 No. 04-19-00872-CV IN RE SuEllen HOEFLINGER-HOTCHKISS Original Mandamus Proceeding 1 ORDER Sitting: Sandee Bryan Marion, Chief Justice Irene Rios, Justice Liza A. Rodriguez, Justice On December 17, 2019, relator filed a petition for writ of mandamus in which relator also requested a stay of trial court proceedings pending final resolution of the petition for writ of mandamus.

This court believes a serious question concerning the mandamus relief sought requires further consideration. See TEX. R. APP. P. 52.8(b). The respondent and the real parties in interest may file a response to the petition in this court no later than January 21, 2020. Any such response must conform to Texas Rule of Appellate Procedure 52.4. Relator’s request for a stay is DENIED.

It is so ORDERED on January 3, 2020. PER CURIAM ATTESTED TO:

MICHAEL A. CRUZ, Clerk of Court 1 This proceeding arises out of Cause No. 2018PC0587, styled In the Estate of Gregory Lyle Hotchkiss a/k/a Gregory L.

Hotchkiss, Deceased, pending in the Probate Court No 1, Bexar County, Texas, the Honorable Oscar J. Kazen presiding.

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