

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

In re Walker & Twenhafel, LLP

No. 13-14-00065-CV (Tex. App.—Corpus Christi–Edinburg Feb. 14, 2014) (mem. op.) · No. 13-14-00065-CV ·
Decided February 14, 2014

SUMMARY

The Thirteenth Court of Appeals of Texas denied Walker & Twenhafel, LLP’s petition for writ of mandamus and motion for emergency relief. The relator argued that the trial court abused its discretion by denying a stay of the underlying lawsuit based on comity, but the court concluded that relator had not shown entitlement to mandamus relief.

OPINION

PER CURIAM.

NUMBER 13-14-00065-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI - EDINBURG IN RE WALKER & TWENHAFEL, LLP On Petition for Writ
of Mandamus. MEMORANDUM OPINION Before Chief Justice Valdez and Justices Benavides
and Longoria Memorandum Opinion Per Curiam¹ On February 3, 2014, relator, Walker &
Twenhafel, LLP, filed a petition for writ of mandamus and motion for emergency stay contending
that the trial court abused its discretion in denying its motion to stay the underlying lawsuit based
on the principle of comity.

The Court has requested and received a response to the petition for writ of mandamus from the
real party in interest, Roman Geronimo Martinez Mendez, and has further received a reply thereto
from relator. 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. When granting relief, the court must hand down an opinion as
in any other case.”); TEX. R. APP.

P. 47.4 (distinguishing opinions and memorandum opinions). As a preliminary matter, Martinez
contends that the petition for writ of mandamus should be denied because relator’s verification for
the petition was defective. Relator has filed a corrected verification with a motion for leave to file
the corrected verification.

We grant leave for relator to file the corrective verification. To be entitled to the extraordinary
relief of a writ of mandamus, relator must show that the trial court abused its discretion and there
is no adequate remedy by appeal.

In re Laibe Corp., 307 S.W.3d 314, 316 (Tex. 2010) (orig. proceeding); In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). A trial court abuses its discretion if it reaches a decision that is so arbitrary and unreasonable that it constitutes a clear and prejudicial error of law, or if it clearly fails to correctly analyze or apply the law.

In re Columbia Med. Ctr. of Las Colinas, 306 S.W.3d 246, 248 (Tex. 2010) (orig. proceeding); In re Cerberus Capital Mgmt., LP., 164 S.W.3d 379, 382 (Tex. 2005) (orig. proceeding). Mandamus is appropriate to preserve the principles of comity. See In re BP Oil Supply Co., 317 S.W.3d 915, 922 (Tex. App.—Houston [14th Dist.] 2010, orig. proceeding); see also In re Cooper Indus., LLC, No. 14-13-00500-CV, 2013 WL 3893984, at 1 (Tex.

App.—Houston [14th Dist.] July 25, 2013, orig. proceeding) (per curiam) (mem. op.). The Court, having examined and fully considered the petition for writ of mandamus, the response, and the reply, is of the opinion that relator has not shown itself entitled to the relief sought. Ashton Grove L.C. v. Jackson Walker L.L.P., 366 S.W.3d 790, 794 (Tex. App.—Dallas 2012, no pet.); In re Helix Energy Solutions Grp., Inc., No. 14-13- 00238-CV, 2013 WL 5470089, at *4 (Tex.

App.—Houston [14th Dist.] Sept. 30, 2013, orig. proceeding). Accordingly, the petition for writ of mandamus is DENIED. See TEX. R. APP. 2 P. 52.8(a). The motion for emergency relief, which was previously carried with the case, is likewise DENIED. PER CURIAM Delivered and filed the 14th day of February, 2014. 3