

FOURTEENTH COURT OF APPEALS OF TEXAS

In re State of Texas

No. 14-18-01036-CV (Tex. App.—Houston [14th Dist.] Dec. 4, 2018) · No. No. 14-18-01036-CV · Decided December 4, 2018

SUMMARY

The Fourteenth Court of Appeals granted the State of Texas’s motion for temporary relief in an original mandamus proceeding. The court stayed an order granting a new trial and the trial set for January 14, 2019, pending a final decision on the mandamus petition or further order, and requested a response from Fairfield Baptist Church.

CASE DETAILS

COURT	Fourteenth Court of Appeals of Texas
WRITING FOR THE COURT	Per Curiam; Justice Donovan; Justice Wise; Justice Jewell
JURISDICTION	Texas
DECIDED	December 4, 2018
DOCKET	No. 14-18-01036-CV
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding on a petition for writ of mandamus. The relator sought to vacate a county court's order granting a new trial and requested a stay of that order and the scheduled trial.
PRECEDENTIAL VALUE	Unclear from the source; the document is a per curiam interlocutory order granting temporary relief.
PARTIES	State of Texas v. Fairfield Baptist Church

TOPICS

[appellate procedure](#)[civil procedure](#)[motion for new trial](#)[injunctions](#)

PRACTICE AREAS

[Appellate procedure](#)[Civil procedure](#)[Mandamus](#)

QUESTIONS PRESENTED

1. Whether the court should grant temporary relief staying the new-trial order and the trial setting while the State of Texas's petition for writ of mandamus was under consideration.

KEY QUOTATIONS

“We ORDER the new trial order and the trial set for January 14, 2019, STAYED until a final decision by this court on relator’s petition for writ of mandamus, or until further order of this court.”

FACTUAL BACKGROUND

The County Civil Court at Law No. 3 in Harris County entered an order granting a new trial and set the case for trial on January 14, 2019. The State of Texas asserted that immediate relief was necessary because it would suffer prejudice while its mandamus petition received further consideration.

PROCEDURAL HISTORY

The County Civil Court at Law No. 3 of Harris County granted a motion for new trial on October 30, 2018, and set trial for January 14, 2019. The State of Texas filed a mandamus petition and motion for temporary relief in the Fourteenth Court of Appeals. The appellate court granted the motion, stayed the new-trial order and scheduled trial pending final disposition of the mandamus petition, and requested a response from Fairfield Baptist Church.

DISPOSITION

other

OPINION

PER CURIAM.

Motion GRANTED AND Order filed December 4, 2018. In The Fourteenth Court of Appeals _____ NO. 14-18-01036-CV _____ IN RE STATE OF TEXAS, Relator ORIGINAL PROCEEDING WRIT OF MANDAMUS County Civil Court at Law No. 3 Harris County, Texas Trial Court Cause No. 1049234 ORDER On November 30, 2018, relator State of Texas, filed a petition for writ of mandamus asking this court to order the Honorable Linda Storey, Judge of the County Civil Court at Law No. 3, in Harris County, Texas, to vacate her order dated October 30, 2018, granting the motion for new trial (“the new trial order”).

Relator has also filed a motion asking this court to stay the new trial order and the trial set for January 14, 2019. See Tex. R. App. P. 52.8(b), 52.10. It appears from the facts stated in the petition and motion that relator’s request for relief requires further consideration and that relator will be prejudiced unless immediate temporary relief is granted.

We therefore GRANT relator’s motion and issue the following order: We ORDER the new trial order and the trial set for January 14, 2019, STAYED until a final decision by this court on

relator's petition for writ of mandamus, or until further order of this court.

In addition, the court requests Fairfield Baptist Church, the real party-in- interest, to file a response to the petition for writ of mandamus on or before December 13, 2018. See Tex. R. App. P. 52.4. PER CURIAM Panel consists of Justices Donovan, Wise, and Jewell.