

**DENY; and Opinion Filed January 18, 2017.**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-16-00996-CV**

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**IN RE BLH TEXAS LAND HOLDINGS, LLC, Relator**

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**Original Proceeding from the 219th Judicial District Court  
Collin County, Texas  
Trial Court Cause No. 219-04373-2015**

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**MEMORANDUM OPINION**

Before Chief Justice Wright, Justice Lang, and Justice Brown  
Opinion by Justice Brown

Before the Court is relator's petition for writ of mandamus in which relator complains of the trial court's order disqualifying relator's trial counsel, James Mosser.

Mandamus is appropriate to correct an erroneous order disqualifying counsel because there is no adequate remedy by appeal. *See In re Epic Holdings, Inc.*, 985 S.W.2d 41, 52 (Tex. 1998) (citing *Nat'l Med. Enters. v. Godbey*, 924 S.W.2d 123, 133 (Tex.1996)). Mandamus relief is available only if the trial court abused its discretion in granting the motion to disqualify. *In re Butler*, 987 S.W.2d 221, 223–24 (Tex. App.—Houston [14th Dist.] 1999, orig. proceeding). A trial court does not abuse its discretion if the court bases its decision on conflicting evidence and some evidence supports the trial court's decision. *In re Liberty Ins. Corp.*, 04-08-00464-CV, 2008 WL 3925942, at \*1 (Tex. App.—San Antonio Aug. 27, 2008, no pet.) (citing *In re Barber*, 982 S.W.2d 364, 366 (Tex. 1998)). In determining whether the trial court abused its discretion with respect to resolution of factual matters, we may not substitute our judgment for that of the

trial court and may not disturb the trial court's decision unless it is shown to be arbitrary and unreasonable. *In re Sanders*, 153 S.W.3d 54, 56 (Tex. 2004) (citing *Walker v. Packer*, 827 S.W.2d 833, 839–40 (Tex. 1992)). Factual determinations by the trial court may not be disturbed by mandamus review. *In re Colony Ins. Co.*, 05-14-00947-CV, 2014 WL 4345658, at \*1–2 (Tex. App.—Dallas Sept. 2, 2014, no pet.) (citing *Mendoza v. Eighth Court of Appeals*, 917 S.W.2d 787, 790 (Tex. 1996) (orig. proceeding)); *Hooks v. Fourth Court of Appeals*, 808 S.W.2d 56, 60 (Tex. 1991). We may not set aside the trial court's finding unless it is clear from the record that the trial court could only reach one decision. *Walker*, 827 S.W.2d at 840.

Based on the record before us, we conclude relator has not shown it is entitled to the relief requested. See TEX. R. APP. P. 52.8(a); *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). Accordingly, we deny relator's petition for writ of mandamus.

/Ada Brown/  
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ADA BROWN  
JUSTICE

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