

Denied; Opinion Filed August 22, 2019.



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-00920-CV

**IN RE STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY AND TODD
JOSEPH DAUPER, Relators**

**Original Proceeding from the County Court at Law No. 4
Dallas County, Texas
Trial Court Cause No. CC-17-05914-D**

MEMORANDUM OPINION

Before Justices Myers, Molberg, and Nowell
Opinion by Justice Nowell

Before the Court is relators' August 5, 2019 petition for writ of mandamus in which relators contend the trial court abused its discretion by denying their motion to abate extra-contractual claims in the underlying underinsured motorist lawsuit. To be entitled to mandamus relief, relators must show both that the trial court has clearly abused its discretion and that relators have no adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). After reviewing the petition and the mandamus record, we conclude relators have not shown they are entitled to the relief requested.

Accordingly, we deny relators' petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a) (the court must deny the petition if the court determines relator is not entitled to the relief sought).

/Erin A. Nowell/
ERIN A. NOWELL
JUSTICE

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