

DENIED and Opinion Filed August 31, 2023



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

No. 05-23-00633-CV

IN RE GARY SINISE FOUNDATION, Relator

**Original Proceeding from the Collin County Probate
Collin County, Texas
Trial Court Cause No. PB1-0352-2022**

MEMORANDUM OPINION

Before Justices Reichek, Smith, and Kennedy
Opinion by Justice Reichek

Before the Court is relator's June 28, 2023 petition for writ of mandamus wherein relator contends the trial court has refused to rule on a motion to compel arbitration.

Entitlement to mandamus relief requires relator to show that the trial court clearly abused its discretion and that relator lacks an adequate appellate remedy. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). After reviewing relator's petition, real party in interest's response, relator's reply, and the record properly before us, we conclude that relator has failed to demonstrate entitlement to mandamus relief.

Accordingly, we deny the petition for writ of mandamus. *See* TEX. R. APP. P.

52.8(a).

/Amanda L. Reichel/

AMANDA L. REICHEK
JUSTICE

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