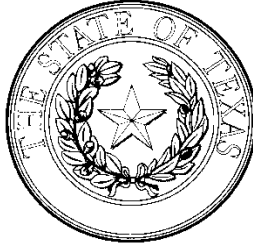


Opinion issued October 25, 2012



**In The
Court of Appeals
For The
First District of Texas**

NO. 01-12-00962-CV

**IN RE XI LAN WU, INDIVIDUALLY, AND HUA WEI, INC. D.B.A
SZECHUAN LEAGUE CITY CHINESE RESTAURANT,
Relators**

Original Proceeding on Petition for Writ of Mandamus

CORRECTED MEMORANDUM OPINION

Defendants/Relators Xi Lan Wu, individually, and Hua Wei, Inc. d/b/a
Szechuan League City Chinese Restaurant filed this original proceeding and a

motion for emergency relief and to stay all trial court proceedings.¹ Relators seek relief from (1) the trial court’s order adjudicating claims brought against Relators by Plaintiff/Real-Party-in-Interest Yuen’s Szechuan Garden, Inc., and (2) the trial court’s order severing that judgment from the remaining claims pending between Relators and Cross-Defendant Szechuan Garden #2, Inc.

Mandamus relief is available only when the trial court abused its discretion and there is no adequate remedy at law, such as by appeal. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). “Because the trial court entered a final judgment . . . , relator[s] ha[ve] an adequate remedy at law.” *In re Sec. Nat’l Ins.*, No. 14-11-00013-CV, 2011 WL 332712, at *1 (Tex. App.—Houston [14th Dist.] Feb. 3, 2011, orig. proceeding). “A writ of mandamus is not a substitute for an appeal.” *Id.* (citing *Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992) (orig. proceeding); *In re Bernson*, 254 S.W.3d 594, 595 (Tex. App.—Amarillo 2008, orig. proceeding)).

We deny the petition for writ of mandamus.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Bland and Huddle.

¹ The underlying case is *Yuen’s Szechuan Garden, Inc. a/k/a Szechuan Garden Chinese Restaurant v. Xi Lan Wu*, No. 11-CV-1307, in the 212th Judicial District of Galveston County, Texas, the Hon. Susan Criss, presiding.