

Petition for Writ of Mandamus Denied and Memorandum Opinion filed September 30, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00721-CV

IN RE RICHARD J. PLEZIA, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS**

MEMORANDUM OPINION

On July 30, 2010, relator, Richard J. Plezia, filed a petition for writ of mandamus in this Court. *See* Tex. Gov't Code Ann. §22.221 (Vernon 2004); *see also* Tex. R. App. P. 52. In the petition, relator asks this Court to compel the Honorable Brent Gamble, presiding judge of the 270th District Court of Harris County, to set aside his July 16, 2010 order denying relator's motion to disqualify counsel. Relator asserts that Randy Sorrels is a material witness (and in fact the only witness) on the breach of the "Exit Agreement"—the only claim not ordered to arbitration. However, relator did not prove this by affidavit or deposition testimony. Relator has not met his burden of providing a sufficient record establishing his right to mandamus relief. *See* Tex. R. App. P. 52.7.

Relator also requests that we compel the trial court to set aside the July 16, 2010 order granting Abraham. Watkins, Nichols, Sorrels, Agosto & Friend's motion to compel arbitration. Without deciding whether the trial court abused its discretion, we conclude that relator has not shown that he does not have an adequate remedy by appeal. *See In re Gulf Exploration, LLC*, 289 S.W.3d 836 (Tex. 2009) (orig. proceeding).

Accordingly, we deny relator's petition for writ of mandamus.

PER CURIAM

Panel consists of Justices Brown, Sullivan, and Christopher.