

**Motion to Reconsider Granted; Emergency Motion for Temporary Stay Denied; Stay Lifted; Petition for Writ of Mandamus Denied and Memorandum Opinion filed August 8, 2023.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-23-00034-CV**

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**IN RE EDWARD ALEXANDER; ADAM P. JOHNSON; WAYNE THOMPSON, JR.; JUDGE LILYNN CUTRER; AND KAREN AUCOIN INDIVIDUALLY AND AS CO-TRUSTEES, Relators**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
Probate Court No. 4  
Harris County, Texas  
Trial Court Cause No. 365-053-404**

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**MEMORANDUM OPINION**

On January 19, 2023, relators Edward Alexander; Adam P. Johnson; Wayne Thompson, Jr.; Judge Lilynn Cutrer; and Karen Aucoin Individually and as Co-

Trustees filed a petition for writ of mandamus in this Court. *See* Tex. Gov't Code Ann. § 22.221; *see also* Tex. R. App. P. 52. Relators ask this court to issue a writ of mandamus directing the Honorable James Horowitz, Judge of the Probate Court No. 4, in Harris County, Texas, to set aside the settings of (1) a January 27, 2023 status conference; and (2) a February 6, 2023 hearing by submission on real party in interest Preston Marshall's motion for summary judgment entered in trial court number 365-053-404, styled *Preston Marshall v. Elaine T. Marshall, et al.*

Relators also filed an emergency motion for temporary stay of proceedings below, which the court granted on January 26, 2023.

On March 28, 2023, the Louisiana Supreme Court denied relators' writ applications. Thereafter, on April 13, 2023, real party in interest Preston Marshall filed a motion for reconsideration of this court's January 26, 2023 order granting relators' emergency motion for temporary stay. After consideration of the motion, relators' response, and reply of the real party in interest, we grant the motion for reconsideration of relators' emergency motion for temporary stay. On reconsideration, we deny relators' emergency motion for temporary stay, and lift our January 26, 2023 stay order.

Relators have not established that they are entitled to mandamus relief. Accordingly, we deny relators' petition for writ of mandamus.

PER CURIAM

Panel consists of Justices Wise, Jewell, and Poissant.