



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

§
§ No. 08-16-00349-CV
IN RE: VICTORY ROCK TEXAS, LLC, § AN ORIGINAL PROCEEDING
Relator. § IN MANDAMUS
§

MEMORANDUM OPINION

Relator, Victory Rock Texas, L.L.C., has filed a mandamus petition asking that we issue the writ of mandamus against the Honorable Robert E. Cadena, Judge of the 83rd District Court of Pecos County, Texas, ordering Respondent to vacate an order which denied in part and granted in part Relator's Motion to Dismiss and Alternative Motion to Compel Arbitration, and: (1) grant Relator's Motion to Dismiss; or (2), alternatively, grant its Motion to Compel Arbitration as to all claims between Relator and the Real Party in Interest, Triple S Materials. Relator has also filed a motion for emergency relief asking that we stay all proceedings in the trial court pending resolution of the mandamus. We deny both the motion for emergency relief and the petition for writ of mandamus.

To be entitled to mandamus relief, a relator generally must meet two requirements. First, the relator must show that the trial court clearly abused its discretion. *In re Prudential Insurance Company of America*, 148 S.W.3d 124, 135 (Tex. 2004). Second, the relator must demonstrate

that there is no adequate remedy by appeal. *Id.* at 136. Based on the record before us, we conclude that Relator has failed to establish it is entitled to mandamus relief. Accordingly, we deny the motion for emergency relief and the petition for writ of mandamus.

January 11, 2017

ANN CRAWFORD McCLURE, Chief Justice

Before McClure, C.J., Rodriguez, and Palafox, JJ.