



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE:	§	No. 08-18-00211-CV
KINDER MORGAN, INC.	§	AN ORIGINAL PROCEEDING
Relator.	§	IN MANDAMUS
	§	
	§	

MEMORANDUM OPINION

Relator, Kinder Morgan, Inc., has filed a mandamus petition against the Honorable Maria Salas-Mendoza, Judge of the 120th District Court of El Paso County, challenging her denial of Relator's motion to abate the proceedings in the underlying case styled *Esteban Manuel Rivera v. Kinder Morgan, Inc.* (cause number 2016DCV4222) pending the outcome of the workers' compensation judicial review proceeding in the case styled *Esteban Rivera v. Zurich American Insurance Company* (cause number 2017DCV1752 pending in the 120th District Court). Relator has also filed a motion to stay all proceedings in the trial court pending our review of the mandamus petition. The motion to stay and the petition for writ of mandamus are denied.

Generally, mandamus relief is appropriate only to correct a clear abuse of discretion or to compel the performance of a ministerial duty, and where the relator has no adequate remedy by appeal. *In re Reece*, 341 S.W.3d 360, 364 (Tex. 2011)(orig. proceeding); *In re Prudential Insurance Company of America*, 148 S.W.3d 124, 135-36 (Tex. 2004)(orig. proceeding). The

burden is on relator to show it is entitled to mandamus relief. *See In re Ford Motor Company*, 165 S.W.3d 315, 317 (Tex. 2005)(orig. proceeding); *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992)(orig. proceeding). After reviewing the mandamus petition and record, and response filed by the Real Party in Interest, we conclude that Relator has failed to show that it is entitled to mandamus relief. Accordingly, we deny the motion to stay and the petition for writ of mandamus.

GINA M. PALAFOX, Justice

February 28, 2019

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