



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE:	§	No. 08-19-00117-CV
ABRAMS-KIEWIT JOINT	§	AN ORIGINAL PROCEEDING
VENTURE,	§	
RELATOR.	§	IN MANDAMUS
	§	

MEMORANDUM OPINION

Relator, Abrams-Kiewit Joint Venture, has filed a mandamus petition against the Honorable M. Sue Kurita, Judge of the County Court at Law No. 6 of El Paso County, Texas. Relator requests that we order Respondent to vacate an order denying Relator's Verified Plea in Abatement and/or Renewed Motion to Sever and Transfer Venue and to grant same. Relator has also filed an emergency motion asking the Court to stay a portion of cause number 2018DCV1767, styled *Walter P. Moore and Associates, Inc. v. Kellogg Brown & Root, LLC and Stantec Consulting Services, Inc.* The motion for emergency relief 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, the mandamus record, the motion for emergency relief, and the Real Party in Interest's response to the emergency motion, we conclude that Relator has failed to show that it is entitled to mandamus relief. Accordingly, we deny the motion for emergency relief and the petition for writ of mandamus.

May 8, 2019

YVONNE T. RODRIGUEZ, Justice

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