

DENY; and Opinion Filed December 16, 2014.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-14-01518-CV

IN RE NASROLLAH ("JEFF") JAFARZADEH, Relator

**Original Proceeding from the 366th Judicial District Court
Collin County, Texas
Trial Court Cause No. 366-53521-2012**

MEMORANDUM OPINION

Before Justices Lang-Miers, Myers, and Stoddart
Opinion by Justice Lang-Miers

Relator filed this petition for writ of mandamus requesting that the Court order the trial court to strike the portion of its temporary orders pending appeal that awarded real party in interest attorney's fees during the pendency of the appeal that were not conditional on prevailing on the appeal. Ordinarily, to obtain mandamus relief, a relator must show both that the trial court has clearly abused its discretion and that relator has no adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). Based on the record before us, we conclude relator has not shown the trial court has clearly abused its discretion. *Walker v. Packer*, 827 S.W.2d 833, 839–40 (Tex. 1992) (orig. proceeding). We deny the petition for writ of mandamus.

/Elizabeth Lang-Miers/
ELIZABETH LANG-MIERS
JUSTICE

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