

DENIED and Opinion Filed November 16, 2015.



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

No. 05-15-01292-CV

IN RE GIANT EAGLE, INC., Relator

**Original Proceeding from the 68th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-15-03853**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Bridges, and Justice Stoddart
Opinion by Justice Stoddart

Relator filed this petition for writ of mandamus requesting that the Court order the trial court to dismiss the claims asserted against relator without prejudice to the right of real party in interest Dickson Perry, derivatively on behalf of Excentus Corporation, to refile those claims in Allegheny County, Pennsylvania. 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). We conclude relator has failed to establish a right to relief. Accordingly, we deny the petition for writ of mandamus.

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/Craig Stoddart/
CRAIG STODDART
JUSTICE
