

Denied and Opinion Filed December 28, 2017



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

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No. 05-17-01389-CV

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IN RE  
**RAY L. HUNT, R. GERALD TURNER, THOMAS E. MEURER, INDIVIDUALLY AND  
AS A TRUSTEE OF LOYAL TRUST NO. 1, W. KIRK BAKER, DAVID HERNANDEZ,  
HUNTER LAFAYETTE HUNT, ASHLEE HUNT KLEINERT,  
AND HEATHER LEIGH HUNT, Relators**

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**Original Proceeding from the Collin County Probate  
Collin County, Texas  
Trial Court Cause No. PB1-0337-2012**

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MEMORANDUM OPINION

Before Justices Bridges, Fillmore, and Schenck  
Opinion by Justice Bridges

In this original proceeding, relators seek review of an order denying their motion to disqualify opposing counsel. “Mandamus is appropriate to correct an erroneous order disqualifying counsel because there is no adequate remedy by appeal.” *In re Cerberus Capital Mgmt., L.P.*, 164 S.W.3d 379, 383 (Tex. 2005) (orig. proceeding) (quoting *In re Sanders*, 153 S.W.3d 54, 56 (Tex. 2004) (orig. proceeding). Therefore, if the trial court abused its discretion by disqualifying counsel, we may grant mandamus relief. *See In re Nitla S.A. de C.V.*, 92 S.W.3d 419, 422 (Tex. 2002) (orig. proceeding) (per curiam). A trial court clearly abuses its discretion if it reaches a decision so arbitrary and unreasonable as to amount to a clear and prejudicial error of law, or if it clearly fails to analyze the law correctly or apply the law correctly to the facts. *In re RSR Corp.*, 475 S.W.3d 775, 778 (Tex. 2015); *In re Cerberus Capital Mgmt., L.P.*, 164 S.W.3d

at 382. In reviewing the trial court's decision in a mandamus proceeding, this Court may not make factual determinations. *In re RSR Corp.*, 475 S.W.3d at 778. Nor may we set aside the trial court's finding unless it is clear from the record that the trial court could only reach one decision. *In re Nitla S.A. de C.V.*, 92 S.W.3d at 422.

Based on the record before us, we conclude relators have not shown they are entitled to the relief requested. Accordingly, we deny relators' petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a) (the court must deny the petition if the court determines relator is not entitled to the relief sought).

/David L. Bridges/  
DAVID L. BRIDGES  
JUSTICE

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