

DENY; and Opinion Filed May 22, 2018.



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

No. 05-18-00559-CV

IN RE PETER BEASLEY, Relator

**Original Proceeding from the 44th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-18-05278**

MEMORANDUM OPINION

Before Justices Francis, Evans, and Schenck
Opinion by Justice Schenck

Before the Court is relator's May 15, 2018 petition for writ of mandamus. This is the fourth original proceeding filed by relator since April 5, 2018. In this original proceeding, relator complains of the May 7, 2018 order transferring the underlying proceeding from the 44th Judicial District Court of Dallas County to the 162nd Judicial District Court of Dallas County pursuant to Rule 1.06 of the Local Rules for the Civil Court of Dallas County. Relator seeks a writ directing the judge of the 44th Judicial District Court to vacate the transfer order. We deny the relief requested.

To be entitled to 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). A trial court has broad discretion in transferring cases per local rules but abuse their discretion “if the trial court does not have sufficient information before it to determine that the case is so related to a case pending in the trial court that

the transfer of the case would facilitate the orderly and efficient disposition of the litigation.” *In re City of Coppell*, 219 S.W.3d 552, 560 (Tex. App.—Dallas 2007, orig. proceeding). Local Rule 1.06 provides for the transfer of related cases between Dallas County courts:

Whenever any pending case is so related to another case previously filed in or disposed of by another Court of Dallas County having subject matter jurisdiction that a transfer of the later case to such other Court would facilitate orderly and efficient disposition of the litigation, the Judge of the Court in which the earlier case is or was pending may, upon notice to all affected parties and Courts, transfer the later case to such Court.

DALLAS (TEX.) CIV. CT. LOC. R. 1.06.

Here, the case transferred from the 44th Judicial District Court (trial court cause number DC-18-05278) involves the same parties and common questions of law and fact as a case that has been litigated for two years in the 162nd Judicial District Court (trial court cause number DC-16-03141). Based on the record before us, we conclude relator has not shown that the trial court lacked sufficient information before it to determine that the case is so related to a case pending in the trial court that the transfer of the case would facilitate the orderly and efficient disposition of the litigation. Relator has, therefore, not established an abuse of discretion. Accordingly, we deny relator’s 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 J. Schenck/

DAVID J. SCHENCK
JUSTICE

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