

Denied and Opinion Filed October 2, 2018



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-01115-CV

IN RE GRUENEPORTE HOLDINGS, LLC, Relator

Original Proceeding from the 101st Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-16-07674

MEMORANDUM OPINION

Before Justices Lang, Myers, and Whitehill
Opinion by Justice Myers

This original proceeding involves an order providing for advancement of litigation expenses. Relator Gruenepointe Holding, LLC seeks a writ of mandamus directing the trial court to vacate a June 12, 2018 order in which the trial court declared that real party in interest Kenneth A. Kristofek was entitled to advancement of expenses incurred in connection with defending against relator's and its co-defendants' counterclaims against Kristofek and ordered a procedure for the parties to employ to resolve all current and future disputes concerning Kristofek's advancement requests.

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). Based on the record before us, we conclude relator has not shown it is entitled to the relief requested. Relator has not shown a clear abuse of discretion and relator has an adequate appellate remedy following a final judgment.

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).

/Lana Myers/

LANA MYERS
JUSTICE

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