

Denied and Opinion Filed November 21, 2019



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-01407-CV

IN RE SAM TAMBORELLO, Relator

Original Proceeding from the 160th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-19-06613

MEMORANDUM OPINION

Before Justices Myers, Molberg, and Nowell
Opinion by Justice Nowell

Before the Court is relator's petition for writ of mandamus by which he contends the trial court erred in granting respondent's rule 91a motion to dismiss pursuant to which all of relator's claims against respondent were dismissed, and, in granting respondent's motion to sever all of plaintiff's claims against respondent from the remainder of the claims pending below against a different defendant. Entitlement to mandamus relief requires relator to 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). After reviewing the petition and the mandamus record, we conclude relator has not shown he is entitled to the relief requested.

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).

/Erin A. Nowell/

ERIN A. NOWELL
JUSTICE

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