

Denied and Opinion Filed October 16, 2020



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-20-00672-CV

IN RE SUMMER INFANT (USA), INC., Relator

Original Proceeding from the County Court at Law No. 3
Dallas County, Texas
Trial Court Cause No. CC-14-02235-C

MEMORANDUM OPINION

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

Before the Court is relator's July 14, 2020 petition for writ of mandamus. In the petition, relator asks this Court to compel the trial court to: (1) rescind its order granting a mistrial; and (2) enter judgment for relator based on the original jury verdict.

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). Based on the petition, real parties in interest's response, and the record before us, we conclude relator has failed to show its entitlement to the relief requested. Accordingly, we deny relator's petition for writ of mandamus. *See* TEX.

R. APP. P. 52.8(a). Having denied the petition, we also deny relator's motion for temporary relief and stay as moot.

/Lana Myers/
LANA MYERS
JUSTICE

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