

**DENIED and Opinion Filed December 29, 2020**



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

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**No. 05-20-01078-CV**

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**IN RE FREDERICK SCROGGINS AND WERNER ENTERPRISES, INC.,  
Relators**

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**Original Proceeding from the 101st Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-19-01483**

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**MEMORANDUM OPINION**

Before Justices Schenck, Partida-Kipness, and Nowell  
Opinion by Justice Nowell

Relators' December 10, 2020 petition for writ of mandamus challenges the trial court's order striking two counter-affidavits under section 18.001(f) of the Texas Civil Practice and Remedies Code. Entitlement to mandamus relief requires relators to show that the trial court has clearly abused its discretion and that they have no adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding).

We conclude that relators have an adequate remedy on appeal. *See In re Parks*, No. 05-19-00375-CV, 2020 WL 774107, at \*2 (Tex. App.—Dallas Feb. 18, 2020, orig. proceeding) (mem. op.) (relator had adequate remedy on appeal for review of

order striking section 18.001 counter-affidavit). Accordingly, we deny the petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a).

/Erin A. Nowell/

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ERIN A. NOWELL

JUSTICE

Schenck, J., concurring

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