

DENY and Opinion Filed August 24, 2021



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

No. 05-21-00177-CV

IN RE MARKEL AMERICAN INSURANCE COMPANY, Relator

**Original Proceeding from the County Court at Law No. 4
Dallas County, Texas
Trial Court Cause No. CC-20-02181-D**

MEMORANDUM OPINION

Before Justices Molberg, Reichek, and Smith
Opinion by Justice Reichek

In its March 22, 2021 petition for writ of mandamus, relator challenges the trial court's orders denying the plea in abatement, denying the request to compel examinations under oath, and denying protection from discovery pending abatement. Entitlement to mandamus relief requires relator to show that the trial court clearly abused its discretion and that relator lacks an adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding).

Based on our review of the petition, real party in interest's response, relator's reply, and the record before us, we conclude that relator has failed to show its entitlement to the relief requested. Accordingly, we deny the petition for writ of mandamus.

We also lift the stay issued by this Court's March 24, 2021 order.

/Amanda L. Reichek/
AMANDA L. REICHEK
JUSTICE

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