

Opinion issued September 30, 2011.



In The  
**Court of Appeals**  
For The  
**First District of Texas**

---

NO. 01-11-00273-CV

---

**IN RE DAVID FINKELSTEIN, Relator**

---

---

**Original Proceeding on Petition for Writ of Mandamus**

---

---

**MEMORANDUM OPINION**

By petition for writ of mandamus, relator, David Finkelstein, challenges the trial court's order abating the underlying suit to confirm an arbitration award.<sup>1</sup>

We **deny** relator's petition.

---

<sup>1</sup> The underlying suit is *David Finkelstein v. Surfside Interests, LLC v. L. Marc Grosz, III*, No. 59449, in the 149th District Court of Brazoria County, Texas, the Honorable Terri Tipton Holder presiding.

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Bland and Huddle.