

Opinion issued September 26, 2019



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

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NO. 01-19-00675-CV

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**IN RE GEMINI INSURANCE COMPANY, Relator**

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

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**MEMORANDUM OPINION**

Relator, Gemini Insurance Company, filed a petition for writ of mandamus asking this Court to compel the trial court to set aside its interlocutory summary judgment and declare that real party in interest, Sabine Oil & Gas Corporation, is not entitled to benefits under the insurance policy at issue.<sup>1</sup> Alternatively, relator

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<sup>1</sup> The underlying case is *Gemini Insurance Company v. Sabine Oil & Gas LLC*, cause number 2014-16568, pending in the 295th District Court of Harris County, Texas, the Honorable Donna Roth presiding.

asks this Court to compel the trial court to issue an order granting relator permission to appeal the summary judgment order.

Because relator has not established that it is entitled to mandamus relief, we deny the petition. *See In re McAllen Med. Ctr., Inc.*, 275 S.W.3d 458, 462 (Tex. 2008) (relator is entitled to mandamus relief if it shows trial court clearly abused its discretion and that relator has no adequate remedy by appeal). Any pending motions are dismissed as moot.

**PER CURIAM**

Panel consists of Justices Kelly, Hightower, and Countiss.