

Opinion issued November 19, 2020



In The
Court of Appeals
For The
First District of Texas

NO. 01-20-00531-CV

IN RE FIDELIS JOHNSON BADAIKI, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, Fidelis Johnson Badaiki, challenges the trial court's order granting the Rule 91a motion filed by real parties in interest and dismissing Badaiki's causes of action for negligent infliction of emotional distress, intentional infliction of emotional distress, and breach of fiduciary duty.¹

¹ The underlying case is *Fidelis Johnson Badaiki v. Steve McKenzie, Marisa Henning, Jamilah Cummings, John Corkhill, Nathan Cooper, Ray Arbor, Jay Jurena, Ed Gaude, Schlumberger Holdings Corporation, Schlumberger Limited, Schlumberger Technology Corporation, Cameron International Corporation, Paal Kibsgaard,*

Mandamus relief is available to correct a clear abuse of discretion when there is no other adequate remedy by appeal. *See In re Essex Ins. Co.*, 450 S.W.3d 524, 526 (Tex. 2014). Whether a remedy by appeal is adequate is determined by balancing the benefits of mandamus review against the detriments. *See id.* at 528. Trial court orders denying Rule 91a motions to dismiss are reviewable by mandamus. *Id.*; *In re HMR Funding, LLC*, 561 S.W.3d 662, 666 (Tex. App.—Houston [14th Dist.] 2018, orig. proceeding). But the benefits of mandamus review do not outweigh the detriments when the trial court has granted the motion to dismiss. *See In re Moreno*, No. 13-17-00282-CV, 2017 WL 2665265, at *1 (Tex. App.—Corpus Christi-Edinburgh 2017, orig. proceeding) (mem. opinion; not designated for publication). Accordingly, we conclude that appellant has an adequate remedy by appeal.

We deny the petition. *See* TEX. R. APP. P. 52.8(a). Any pending motions are dismissed as moot.

PER CURIAM

Panel consists of Justices Keyes, Hightower, and Countiss.

Olivier Le Peuch, Henry Weissenborn, Jack B. Moore, Amy Schwartz, Carter Hydrick, and John Doe, cause number 2020-16532, pending in the 11th District Court of Harris County, Texas, the Honorable Kristin Brauchle Hawkins presiding.