

**Petition for Writ of Mandamus Denied and Memorandum Opinion filed  
October 22, 2015.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-15-00697-CV**

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**IN RE HITACHI MEDICAL SYSTEMS AMERICA, INC., Relator**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
125th District Court  
Harris County, Texas  
Trial Court Cause No. 2015-15074**

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**MEMORANDUM OPINION**

On August 18, 2015, relator Hitachi Medical Systems America, Inc. filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (West 2004); *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the Honorable Kyle Carter, presiding judge of the 125th District Court of Harris County, to set aside his order denying relator's motion to dismiss based on a forum-selection clause that relator asserts requires this suit to be filed in Ohio.

Mandamus is an extraordinary remedy that will issue only if (1) the trial court clearly abused its discretion and (2) the party requesting mandamus relief has no adequate remedy by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004).

On this record, relator has not shown that the trial court abused its discretion in denying the motion to dismiss. Accordingly, we deny relator’s petition for writ of mandamus.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Christopher and Donovan.