

Petition for Writ of Mandamus Denied and Memorandum Opinion filed May 18, 2017.



In The

Fourteenth Court of Appeals

NO. 14-17-00361-CV

**IN RE ESTATE OF ELIZABETH BETTY JEAN WILWERDING
THROUGH ITS PERSONAL REPRESENTATIVE CAROL SOUSA, Relator**

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
151st District Court
Harris County, Texas
Trial Court Cause No. 2016-77743**

MEMORANDUM OPINION

On May 8, 2017, relator Estate of Elizabeth Betty Jean Wilwerding through its personal representative Carol Sousa, 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 Mike Engelhart, presiding judge of the 151st District Court of Harris County, to vacate the Order he signed on February 21, 2017, compelling arbitration of all claims, except Intervenor Clearman's claims. Alternatively, relator asks our court to order the trial court to stay the arbitration until the Oregon State Bar and the Texas State Bar have concluded their investigation into the conduct of the real parties-in-interest. Relator has also filed a motion asking our court to stay all proceedings below pending a decision on her mandamus petition

To obtain mandamus relief, a relator must show both that the trial court clearly abused its discretion and that relator has no adequate remedy by appeal. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). Relator has not established that she does not have an adequate remedy by appeal for error, if any, in the Order compelling arbitration. *See In re Gulf Exploration, LLC*, 289 S.W.3d 836, 842–43 (Tex. 2009) (orig. proceeding); *Kahn v. Baker Nissan N., Inc.*, No. 14-09-00106-CV, 2009 WL 1795580 (Tex. App.—Houston [14th Dist.] June 25, 2009, orig. proceeding) (per curiam) (mem. op.).

Accordingly, we deny relator's petition for writ of mandamus and motion for stay.

PER CURIAM

Panel consists of Justices Boyce, Donovan, and Jewell.