

Motion to Reconsider Granted; Emergency Motion for Temporary Stay Denied; Stay Lifted; Petition for Writ of Mandamus Denied and Memorandum Opinion filed August 8, 2023.



In The

Fourteenth Court of Appeals

NO. 14-23-00046-CV

**IN RE ELAINE T. MARSHALL, INDIVIDUALLY AND AS CO-TRUSTEE
OF THE HARRIER AND FALCON TRUSTS, Relator**

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
Probate Court No. 4
Harris County, Texas
Trial Court Cause No. 365,053-404**

MEMORANDUM OPINION

On January 26, 2023, relator Elaine T. Marshall, Individually and as Co-Trustee of the Harrier and Falcon Trusts filed a petition for writ of mandamus in this Court. *See* Tex. Gov't Code Ann. § 22.221; *see also* Tex. R. App. P. 52. In

the petition, relator asks this Court to compel the Honorable James Horowitz, presiding judge of the Probate Court No. 4 of Harris County, to grant relator's motion to enter an order staying the trial court proceedings until entry of final judgment in the Louisiana action in trial court number 365,053-404, styled *Preston Marshall v. Elaine T. Marshall, et al.* Alternatively, relator requests that we direct respondent to enter an order continuing the proceedings related to real party in interest Preston Marshall's motion for summary judgment, pending the Louisiana Supreme Court's disposition of all timely writ applications arising from the Third Circuit Court of Appeals' judgment on the injunction in the Louisiana action.

Relator also filed a motion for temporary stay of proceedings below, which the court granted on January 26, 2023.

On March 28, 2023, the Louisiana Supreme Court denied relator's writ application. Thereafter, on April 13, 2023, real party in interest Preston Marshall filed a motion for reconsideration of this court's January 26, 2023 order granting relator's emergency motion for temporary stay. After consideration of the motion, relator's response, and reply of the real party in interest, we grant the motion for reconsideration of relator's emergency motion for temporary stay. On reconsideration, we deny relator's emergency motion for temporary stay, and lift our January 26, 2023 stay order.

Relator has not established that she is entitled to mandamus relief. Accordingly, we deny relator's petition for writ of mandamus.

PER CURIAM

Panel consists of Justices Wise, Jewell, and Poissant.