

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-08-00343-CV

IN RE SATTERFIELD & PONTIKES CONSTRUCTION, INC.

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Alma L. López, Chief Justice
Santee Bryan Marion, Justice
Rebecca Simmons, Justice

Delivered and Filed: August 13, 2008

PETITION FOR WRIT OF MANDAMUS DENIED

In this original mandamus proceeding, relator Satterfield and Pontikes (“Satterfield”) complains of three pretrial orders signed by the Honorable Alex W. Gabert, presiding judge of the 229th Judicial District Court, Duval County, Texas: (1) an order denying a motion to consolidate; (2) an order severing third-party claims; and (3) an order denying a motion for continuance. To be entitled to mandamus relief, a relator must show the trial court clearly abused its discretion and the relator has no adequate remedy by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004). We conclude Satterfield has not satisfied these requirements. Accordingly, the petition for a writ of mandamus is denied. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM

¹This proceeding arises out of Cause No. DC-06-74, styled *San Diego Independent School District v. Satterfield & Pontikes Construction, Inc.*, pending in the 229th Judicial District Court, Duval County, Texas, the Honorable Alex W. Gabert presiding.