



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-14-00119-CV

IN RE TAYMAX FITNESS, LLC; SP Pavilions, LLC; RPD Property Management Company, LLC; and Executive Security Systems, Inc. of America

Original Mandamus Proceedings¹

Opinion by: Rebeca C. Martinez, Justice
Dissenting Opinion by: Karen Angelini, Justice

Sitting: Karen Angelini, Justice
Rebeca C. Martinez, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: May 7, 2014

PETITION FOR WRIT OF MANDAMUS DENIED

Relators Taymax Fitness, LLC; SP Pavilions, LLC; RPD Property Management Company, LLC and Executive Security Systems, Inc. of America filed this petition for writ of mandamus complaining of two trial court orders denying motions to designate Yu Masaki as a responsible third party in the underlying personal injury litigation. The court has fully considered the petition for writ of mandamus and the joint response filed on behalf of the real parties in interest and is of the opinion that relators are not entitled to the relief sought.

¹ This proceeding arises out of Cause No. 2012-CI-01966, styled *Michelle Montemayor, as Next Friend of Jordan Escamilla, A Minor v. Taymax Fitness, LLC; SP Pavilions, LLC; RPD Property Management Company, LLC; Transwestern Commercial Services, LLC; and Yu Masaki*, pending in the 288th Judicial District Court, Bexar County, Texas, the Honorable David A. Canales presiding.

Mandamus will issue only to correct a clear abuse of discretion for which the relators have no adequate remedy at law, such as a normal appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding); *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). We conclude relators have failed to establish the lack of an adequate remedy at law with respect to the trial court's denial of leave to designate Masaki as a responsible third party. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 33.004(a) (West 2008); *In re Unitec Elevator Servs. Co.*, 178 S.W.3d 53, 64-66 (Tex. App.—Houston [1st Dist.] 2005, orig. proceeding). Accordingly, the petition for writ of mandamus is denied. *See* TEX. R. APP. P. 52.8(a).

Rebeca C. Martinez, Justice