

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-08-344 CV

**IN RE U.S. EXPLORATION, INC., AMERICAN FLUORITE, INC., GUS
VACUUM SERVICES, INC., and TRIAD DRILLING & SUPPLY, INC.**

Original Proceeding

MEMORANDUM OPINION

U.S. Exploration, Inc., American Fluorite, Inc., Gus Vacuum Supply, Inc., and Triad Drilling & Supply, Inc. filed a petition for writ of mandamus. The relators seek to compel the trial court to vacate part of a temporary restraining order. Unless it is extended for a single fourteen-day period, the temporary restraining order will expire by its own terms on August 14, 2008. *See* TEX. R. CIV. P. 680. A temporary injunction hearing is scheduled for August 14, 2008.

The relators contend that the temporary restraining order requires payments in an unspecified amount to the real party in interest, Cynthia Culliver, and argue that mandamus relief is necessary because the order does not adequately inform them of the acts they are

ordered to perform before the temporary injunction hearing. Culliver also filed a motion for contempt, but the trial court has not considered the motion, and relators have not requested relief directly related to that motion.

A temporary restraining order must set forth the reasons for its issuance, must be specific in terms, and must describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained. TEX. R. CIV. P. 683. If, as the relators contend, the order signed by the trial court is too vague to be enforceable, the relators will have an adequate remedy in the event the real party in interest pursues enforcement. *See In re Long*, 984 S.W.2d 623, 625 (Tex. 1999). If the trial court grants or refuses a temporary injunction, the parties will be able to pursue an accelerated appeal. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a)(4) (Vernon 2008). Regardless, the mandamus proceeding will become moot if the trial court enters a temporary injunction or the restraining order expires. *See* TEX. R. CIV. P. 680.

Mandamus relief is appropriate only if the relators have no other adequate remedy. *See In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004). After reviewing the mandamus record and petition, we conclude that the relators failed to establish their entitlement to mandamus relief.

Accordingly, the relators' motion for temporary relief and petition for writ of mandamus are denied.

PETITION DENIED.

PER CURIAM

Opinion Delivered August 13, 2008

Before Gaultney, Kreger, and Horton, JJ.