

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-13-00671-CV

In re License Plates of Texas, LLC d/b/a MyPlates.com

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Relator License Plates of Texas, LLC d/b/a MyPlates.com, which is currently the sole defendant in a lawsuit brought by one of its customers,¹ has filed a petition for writ of mandamus seeking relief from a district court order denying MyPlates.com leave to designate two state agencies² as responsible third parties. *See* Tex. Civ. Prac. & Rem. Code § 33.004. MyPlates.com asserts that the district court abused its discretion in denying leave because its decision rests upon a misinterpretation and misapplication of subsection (d) of Civil Practice and Remedies Code

¹ According to the record, MyPlates.com markets specialty Texas license plates under contract with the Texas Department of Motor Vehicles. The plaintiff customer, the real party in interest here, alleges that MyPlates.com sold him specialty plates having a personalized moniker identical to one formerly issued for a vehicle that had been reported stolen, causing him damages. Long story short, according to the customer, he discovered this unhappy coincidence during an otherwise uneventful morning drive to work, when he endured a spectacular, guns-drawn take-down, handcuffing, and “false imprisonment” by several Austin Police Department officers who mistakenly thought they were apprehending a car thief.

² The Texas Department of Motor Vehicles and the Texas Department of Transportation, to whom MyPlates.com attributes issuance of license plates having a moniker associated with a stolen vehicle.

33.004,³ and that it lacks an “adequate” remedy at law, warranting our intervention by mandamus. Having carefully considered the mandamus record and the parties’ arguments, we are unpersuaded that MyPlates.com lacks an “adequate” remedy by ordinary appeal under the particular circumstances presented here. *See In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-38 (Tex. 2004) (orig. proceeding). Accordingly, we deny the petition. *See* Tex. R. App. P. 52.8(a). We express no opinion regarding the parties’ arguments concerning the proper construction and application of subsection (d). *See id.* R. 47.1.

Bob Pemberton, Justice

Before Chief Justice Jones, Justices Pemberton and Field

Filed: November 27, 2013

³ *See* Act of May 25, 2011, 82d Leg., R.S., ch. 203, 2011 Tex. Gen. Laws 758, 760 (codified at Tex. Civ. Prac. & Rem. Code § 33.004(d)).