

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00472-CV

In re Dell, Inc. and Quest Software, Inc.

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Relators Dell, Inc. and Quest Software, Inc. have filed a petition for writ of mandamus asking this Court to compel the trial court to enforce a forum-selection clause and dismiss real party in interest Parsons Services Company's suit against them. *See* Tex. Gov't Code § 22.221; *see also* Tex. R. App. P. 52.1. At the same time, the relators filed a motion for emergency stay of all proceedings in the underlying case, which we granted. Having reviewed the petition, the record, the response of the real party in interest, the relators' reply, and the real party in interest's sur-reply, we hold that the trial court did not abuse its discretion in declining to enforce an ambiguous forum-selection clause. *See In re Sterling Chems., Inc.*, 261 S.W.3d 805, 808-09, 811 (Tex. App.—Houston [14th Dist.] 2008, orig. proceeding). Therefore, we deny the mandamus petition, *see* Tex. R. App. P. 52.8, and we lift the stay of the proceedings in the underlying case, *see id.* R. 52.10.

Cindy Olson Bourland, Justice

Before Justices Puryear, Field, and Bourland

Filed: August 31, 2017