



NUMBER 13-08-00430-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE MATAGORDA COUNTY

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

Before Chief Justice Valdez and Justices Yañez and Benavides
Per Curiam Memorandum Opinion¹

Relator, Matagorda County, filed a petition for writ of mandamus in the above cause arguing that the trial court abused its discretion in failing to transfer the underlying cause to Matagorda County under a mandatory venue provision of the Texas Civil Practice and Remedies Code. This Court requested a response from the real parties in interest, Antonio Martinez, Sr., individually and as the representative of the Estate of Luciano Martinez, deceased, Mary Trevino as next friend of Antonio Martinez, Jr., and Mariah Martinez,

¹ See TEX. R. APP. P. 52.8(d) ("When denying relief, the court may hand down an opinion but is not required to do so."); TEX. R. APP. P. 47.4 (distinguishing opinions and memorandum opinions).

minors, William Melvin Thompson, Kathryn Buckner, and the Burke Foundation.

The Court has now received and reviewed the responses filed by the real parties in interest. Real parties in interest, the Burke Foundation and Kathryn Buckner, filed a joint response opposing the relief sought in the petition for writ of mandamus. Real party in interest, William Thompson, has “no position” on the issues raised in the petition for writ of mandamus. Real parties in interest, Antonio Martinez, Sr., individually and as the representative of the Estate of Luciano Martinez, deceased, and Mary Trevino as next friend of Antonio Martinez, Jr., and Mariah Martinez, minors, “find that the relator’s petition for a writ of mandamus is a complete and correct statement of the law and the facts and is in agreement with the petition and consents to the relief requested.” Intervenor, Michelle Fuentes, took a similar position in her response to the petition.

The Court, having examined and fully considered the petition for writ of mandamus and responses thereto, is of the opinion that relator has not shown itself entitled to the relief sought. *See, e.g., In re County of Galveston*, 211 S.W.3d 879, 882 (Tex. App.–Houston [14th Dist.] 2006, orig. proceeding). Accordingly, we DENY the petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM

Memorandum Opinion delivered and
filed this 4th day of August, 2008.