



NUMBER 13-17-00282-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE ERIKA BARRAZA MORENO AND ROGER WAYNE AVELAR

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Longoria and Hinojosa
Memorandum Opinion by Chief Justice Valdez¹**

By their second amended petition for writ of mandamus, relators Erika Barraza Moreno and Roger Wayne Avelar seek to set aside various rulings of the trial court which, inter alia, granted a motion for partial summary judgment against them and granted a Rule 91a motion to dismiss filed by one of the real parties in interest. The Court requested that the real parties in interest, Manuel E. Solis, Jr. a/k/a Manuel Solis a/k/a Manuel E. Solis d/b/a Manuel Solis Law Firm d/b/a Law Office of Manuel Solis d/b/a Oficinas

¹ See TEX. R. APP. P. 52.8(d) (“When granting relief, the court must hand down an opinion as in any other case,” but 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).

Juridicas del Abogado Manuel Solis d/b/a Despacho Juridico de Manuel Solis d/b/a Law Offices of Manuel E. Solis d/b/a Manuel Solis Law Offices; Law Offices of Manuel E. Solis, P.C.; and Monica Moreno Sanchez, or any others whose interest would be directly affected by the requested relief sought, file a response to the petition for writ of mandamus. The Court received a response to the petition for writ of mandamus from the Law Offices of Manuel E. Solis, P.C.

Mandamus is an extraordinary remedy. *In re H.E.B. Grocery Co.*, 492 S.W.3d 300, 302 (Tex. 2016) (orig. proceeding) (per curiam). Mandamus relief is proper to correct a clear abuse of discretion when there is no adequate remedy by appeal. *In re Christus Santa Rosa Health Sys.*, 492 S.W.3d 276, 279 (Tex. 2016) (orig. proceeding). The relator bears the burden of proving both of these requirements. *In re H.E.B. Grocery Co.*, 492 S.W.3d at 302; *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992) (orig. proceeding). An abuse of discretion occurs when a trial court's ruling is arbitrary and unreasonable or is made without regard for guiding legal principles or supporting evidence. *In re Nationwide Ins. Co. of Am.*, 494 S.W.3d 708, 712 (Tex. 2016) (orig. proceeding); *Ford Motor Co. v. Garcia*, 363 S.W.3d 573, 578 (Tex. 2012). We determine the adequacy of an appellate remedy by balancing the benefits of mandamus review against the detriments. *In re Essex Ins. Co.*, 450 S.W.3d 524, 528 (Tex. 2014) (orig. proceeding); *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 136 (Tex. 2004)) (orig. proceeding).

The Court, having examined and fully considered the second amended petition for writ of mandamus, the response, and the applicable law, is of the opinion that relators have not shown themselves entitled to the relief sought. Accordingly, we DENY the

petition for writ of mandamus and the amended motion for an emergency stay. See TEX.
R. APP. P. 52.8(a).

/s/ Rogelio Valdez
ROGELIO VALDEZ
Chief Justice

Delivered and filed the
20th day of June, 2017.