



NUMBER 13-23-00546-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN RE ALICIA GONZALEZ AND NICOLE TREBILCOCK

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Justices Longoria, Silva, and Peña
Memorandum Opinion by Justice Silva¹**

Relators Alicia Gonzalez and Nicole Trebilcock filed a petition for writ of mandamus through which they contend that the trial court abused its discretion by granting motions to dismiss filed by the real parties in interest, John Blaha and the Coastal Conservation Association (CCA). See TEX. CIV. PRAC. & REM. CODE ANN. §§ 27.001–011 (codifying the Texas Citizens Participation Act).

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. When granting relief, the court must hand down an opinion as in any other case.”); *id.* R. 47.4 (distinguishing opinions and memorandum opinions).

Mandamus is an extraordinary and discretionary remedy. See *In re Allstate Indem. Co.*, 622 S.W.3d 870, 883 (Tex. 2021) (orig. proceeding); *In re Garza*, 544 S.W.3d 836, 840 (Tex. 2018) (orig. proceeding) (per curiam); *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 138 (Tex. 2004) (orig. proceeding). The relator must show that (1) the trial court abused its discretion, and (2) the relator lacks an adequate remedy by appeal. *In re USAA Gen. Indem. Co.*, 624 S.W.3d 782, 787 (Tex. 2021) (orig. proceeding); *In re Prudential Ins. Co. of Am.*, 148 S.W.3d at 135–36; *Walker v. Packer*, 827 S.W.2d 833, 839–40 (Tex. 1992) (orig. proceeding).

The Court, having examined and fully considered the petition for writ of mandamus, the responses filed by Blaha and the CCA, the replies thereto filed by relators, and the applicable law, is of the opinion that relators have not met their burden to obtain relief. Accordingly, we lift the stay previously imposed in this cause. See TEX. R. APP. P. 52.10. We deny the petition for writ of mandamus.

CLARISSA SILVA
Justice

Delivered and filed on the
25th day of January, 2024.