Denied and Opinion Filed November 21, 2018

In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-01373-CV

IN RE LOUISE KING, Relator

Original Proceeding from the 254th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-08-4995

MEMORANDUM OPINION

Before Justices Bridges, Brown, and Boatright
Opinion by Justice Boatright

In this original proceeding, relator seeks a writ of mandamus directing the trial court to vacate its order denying relator's motion to transfer the case and, alternatively, to vacate the order compelling the case to arbitration and vacate the arbitrator's pretrial orders.

To be entitled to mandamus relief, a relator must show both that the trial court has clearly abused its discretion and that relator has no adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). It is generally inappropriate to grant mandamus review of orders compelling arbitration, and parties who believe they are being erroneously compelled to arbitrate when they have not agreed to arbitration have an adequate remedy by appeal after final judgment. *In re Adelphi Group, Ltd.*, No. 05-16-01060-CV, 2016 WL 5266655, at *1 (Tex. App.—Dallas Sept. 22, 2016, orig. proceeding) (citing *In re Gulf Expl., LLC*, 289 S.W.3d 836, 842 & n. 33 (Tex. 2009)). The parties in this case did not agree to arbitrate. Because the parties have an adequate remedy by appeal, relator is not entitled to mandamus relief.

We must deny a petition for mandamus when the relator is not entitled to relief. TEX. R. APP. P. 52.8(a). Accordingly, we deny relator's petition for writ of mandamus.

/Jason Boatright/
JASON BOATRIGHT
JUSTICE

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