

DENY; and Opinion Filed December 4, 2013.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-13-01379-CV

**AUTOBUSES EJECUTIVOS, LLC AND OMNIBUS
MEXICANOS, SA DE CV, Petitioners**

V.

**AGUSTINA CUEVAS, INDIVIDUALLY AND AS NEXT FRIEND
OF G.C., A MINOR; AND MONICA CUEVAS, INDIVIDUALLY;
MARIA ROSALINA PEREZ, INDIVIDUALLY AND
AS NEXT FRIEND OF C.P., JR. AND A.P., MINORS, Respondents**

**On Appeal from the 101st Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-12-07459**

MEMORANDUM OPINION

**Before Justices O'Neill, Lang-Miers, and Evans
Opinion by Justice O'Neill**

The Court has before it petitioners' October 4, 2013 petition for permissive appeal and motion to stay; respondents' October 14, 2013 response to the petition, and petitioners' October 21, 2013 reply in support of the petition. Because petitioners have not shown that they meet the required standard, we **DENY** the petition.

Respondents sued petitioners for personal injuries respondents say they sustained after a bus accident in Mexico. The bus was owned by petitioner Omnibus Mexicanos, SA de CV; respondents claim to have purchased their tickets from petitioner Autobuses Ejecutivos, LLC. The bus tickets stated, "in case of a dispute or claim resulting from the services rendered . . . the

passenger accepts and acknowledges the validity and application of the authority and jurisdiction of the applicable Mexican Law and Regulations and of the courts of this same country.” Based on this language, petitioners filed a motion for application of foreign law, asking the trial court to apply the laws of Mexico. The trial court denied the motion and ruled that Texas law would apply. The trial court also granted petitioners the right to immediately appeal this ruling. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(d) (West Supp. 2013).

An appeal may be taken from an otherwise unappealable interlocutory order of the trial court when the trial court gives its permission and “(1) the order to be appealed involves a controlling question of law as to which there is a substantial ground for difference of opinion; and (2) an immediate appeal from the order may materially advance the ultimate termination of the litigation.” *Id.* Petitioners have not shown that they meet this standard. Although petitioners claim that without a decision from this Court on the choice of law issue they will have to do additional discovery, we conclude that this issue will not materially advance the ultimate termination of the litigation. Accordingly, we deny the petition for permissive appeal and motion to stay.

/Michael J. O'Neill/

MICHAEL J. O'NEILL
JUSTICE

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