

**Writ of Prohibition Conditionally Granted and Opinion and Order Filed June 21, 2016**



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

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**No. 05-15-01047-CV**

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**ENEXCO, INC., APPELLANT**

**V.**

**JAMES STALEY, II, ET AL., APPELLEES**

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**On Appeal from the 101st Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-15-09177**

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Before Chief Justice Carolyn Wright and Justices Elizabeth Lang-Miers and Craig Stoddart

**MEMORANDUM OPINION AND ORDER**

Appellees request a writ staying proceedings in Cause No. C-15-31118 pending in the 145th Judicial District Court of Nacogdoches County, Texas pending disposition of the above-styled appeal. Appellees seek a stay of the Nacogdoches proceedings because the claims and parties are identical to those currently before this Court in this appeal. We conclude that the Nacogdoches proceeding must be stayed to prevent interference with this Court's jurisdiction in deciding this pending appeal.

This Court has jurisdiction to issue all writs necessary to enforce the Court's jurisdiction.

TEX. GOV'T CODE § 22.221(a); *In re Herrera*, No. 05-14-00394-CV, 2014 WL 1477922, at \*1 (Tex. App.—Dallas Apr. 14, 2014, orig. proceeding). A writ of prohibition may be issued

whenever an inferior court seeks to try a case involving the same parties and issues as a case presently on appeal. *Beckham v. Topper*, 652 S.W.2d 507, 509 (Tex. App.—Dallas 1983, no writ) (citing *Bell v. Young*, 20 S.W.2d 135 (Tex. Civ. App.—Waco 1929, no writ)).

Here, the pending appeal and the Nacogdoches suit involve the same parties and same issues. As such, the prosecution of the Nacogdoches suit will interfere with the jurisdiction of this Court in this appeal.

We **CONDITIONALLY GRANT** Appellees' motion and **ORDER** the 145th Judicial District Court of Nacogdoches County, Texas to take no further action in Cause No. C-15-31118 other than staying or abating Cause No. C-15-31118 pending further order from this Court. The writ of prohibition will issue only if the district court takes other action in Cause No. C-15-31118. Since we assume that the Nacogdoches district court will comply with this opinion, we direct our clerk not to issue the writ of prohibition unless information is received that the district court is proceeding with the suit.

Writ of prohibition conditionally granted.

PER CURIAM

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