



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-20-00142-CV

**IN RE MBH REAL ESTATE, LLC, AFI LOAN SERVICING, LLC, ANSON
FINANCIAL, INC., J. MICHAEL FERGUSON, P.C., RELATORS**

ORIGINAL PROCEEDING

June 10, 2020

MEMORANDUM OPINION

Before QUINN, C.J., and PARKER and DOSS, JJ.

By this original proceeding, relators, MBH Real Estate, LLC, AFI Loan Servicing, LLC, Anson Financial, Inc., and J. Michael Ferguson, P.C., seek a writ of mandamus directing respondent, the Honorable John P. Chupp, judge of the 141st District Court, to vacate his order granting a motion to compel post-judgment discovery. In addition, relators move for emergency relief, requesting that this Court temporarily enjoin the real parties in interest, Ian Ghrist and Ghrist Law Firm, PLLC ("Ghrist"), from obtaining any post-judgment discovery during the pendency of the petition for writ of mandamus. As we are without authority to issue a mandamus against respondent, we dismiss the petition and accompanying motion for want of jurisdiction.

In 2017, relators filed suit against Ghrist and others in a Tarrant County district court. In that case, the trial court granted Ghrist's motion to dismiss relator's claims pursuant to chapter 27 of the Civil Practice and Remedies Code, awarded court costs and attorney's fees to Ghrist, awarded sanctions against relators, and severed the dismissed claims into a new cause. Relators appealed to the Second Court of Appeals, but the appeal was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. See TEX. GOV'T CODE ANN. § 73.001 (West 2013). The appeal remains pending in cause number 07-20-00027-CV.

While on appeal, Ghrist served relators and third parties with discovery "related to transfer or dissipation of assets." Ghrist subsequently filed a motion to compel responses to the discovery in the trial court. On May 26, 2020, the trial court granted Ghrist's motion to compel discovery. Relators have now filed a petition in this Court asking that we issue a mandamus directing the trial court to vacate the order and seek emergency relief and a temporary injunction from the discovery.

Each court of appeals may issue writs of mandamus against a judge of a district or county court in its geographic district and may issue writs necessary to enforce its jurisdiction. TEX. GOV'T CODE ANN. 22.221(a), (b)(1) (West Supp. 2019). Relators direct their mandamus petition against the judge of the 141st District Court, a court not located within the geographic district for the Seventh Court of Appeals. See TEX. GOV'T CODE ANN. 22.201(h) (West Supp. 2019) (identifying the counties composing the Seventh Court of Appeals District). Though the underlying appeal was transferred to this Court, the transfer did not carry with it any jurisdiction to issue a writ of mandamus in a separate

original proceeding.¹ *In re Barnes*, No. 06-17-00042-CV, 2017 Tex. App. LEXIS 2784, at *2 (Tex. App.—Texarkana Mar. 31, 2017, orig. proceeding) (mem. op.).

Accordingly, we are without authority to issue a writ a mandamus against the judge of the 141st District Court unless the writ is necessary to enforce our jurisdiction. Here, relators have not shown how the requested mandamus relief is necessary to enforce our appellate jurisdiction in cause number 07-20-00027-CV. See *In re Jackson*, No. 08-20-00026-CV, 2020 Tex. App. LEXIS 1003, at *2-3 (Tex. App.—El Paso, Feb. 5, 2020, orig. proceeding) (mem. op.) (dismissing original proceeding where relator failed to show that mandamus was necessary to preserve the court’s appellate jurisdiction over a transferred appeal).

As there is no authority allowing this Court to exercise mandamus jurisdiction over respondent, we dismiss relator’s petition for writ of mandamus and motion for emergency relief for want of jurisdiction.

Per Curiam

¹ The extent of our jurisdiction over a transferred case is specified in section 73.002 of the Government Code. We further note that the orders by the Texas Supreme Court directing the transfer of cases under the equalization process explicitly exclude any transfer of original proceedings.