

## Haynes and Boone Wins Mandamus Relief in Wrongful Death Action

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March 28, 2018

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PRACTICES Appellate

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A Haynes Boone appellate team led by Houston Partner Polly Fohn won mandamus relief, persuading a Texas appellate court to overturn a trial court ruling that would have interfered with a client's ability to defend a wrongful death suit.

The suit stemmed from an automobile accident in 2016 that resulted in a fatality. The plaintiff sued multiple defendants, alleging they contributed to the collision. The trial court severed the matter into three different cause numbers that would be tried in three different Texas counties.

Haynes Boone client Jarod Johnson, one of the defendants, filed a petition seeking mandamus relief with the Ninth District Court of Appeals in Beaumont. Fohn argued on Johnson's behalf that splintering the case into three separate trials could lead to contradictory verdicts and prejudice the ability to defend the case.

The Beaumont court agreed. "We conclude the trial court abused its discretion by severing [the] wrongful death action into separate causes when the action should be tried in one cause number," the appellate court said.

Fohn, who was named a "Rising Star" by *Texas Super Lawyers Rising Stars*, Thomson Reuters, from 2013-2018, has argued before the 5th U.S. Circuit Court of Appeals and Texas appellate courts and has been involved in appeals of some of the largest jury verdicts in Texas.

Fohn was assisted in the matter by Haynes Boone Associate Ryan Gardner.