

TEXAS COURT OF APPEALS, FOURTH DISTRICT, SAN ANTONIO

In re Luke B. Berry, M.D.

No. 04-25-00835-CV · No. 04-25-00835-CV · Decided February 25, 2026

SUMMARY

The Texas Fourth Court of Appeals denied Luke B. Berry, M.D.'s petition for writ of mandamus challenging a discovery order in the underlying medical-liability case. The court also lifted the temporary stay previously issued in the proceeding.

CASE DETAILS

COURT	Texas Court of Appeals, Fourth District, San Antonio
WRITING FOR THE COURT	Per Curiam; Rebeca C. Martinez, Chief Justice; Lori Massey Brissette, Justice; Velia J. Meza, Justice
JURISDICTION	Texas Court of Appeals, Fourth District, San Antonio
DECIDED	February 25, 2026
DOCKET	04-25-00835-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original mandamus proceeding challenging the trial court's order on a motion to compel discovery.
STANDARD OF REVIEW	Mandamus relief was denied because Berry did not establish that he was entitled to the requested relief; the opinion does not separately articulate a detailed mandamus standard of review.
PRECEDENTIAL VALUE	Published memorandum opinion; no reporter citation appears in the source.
PARTIES	Luke B. Berry, M.D., relator v. Morningstar Winans, real party in interest, Respondent trial court

TOPICS

- discovery dispute
- appellate procedure
- remedies
- civil procedure

PRACTICE AREAS

- Civil procedure
- Appellate procedure
- Discovery

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by overruling a previous discovery order.
2. Whether the trial court abused its discretion by overruling discovery objections that had previously been upheld.
3. Whether the trial court abused its discretion by ordering Berry individually to respond to discovery requests seeking material from nonparty entities.

HOLDINGS

1. Berry did not establish that he was entitled to the requested mandamus relief.

KEY QUOTATIONS

"This court, having considered the arguments of the parties and record provided, has determined that Berry has not established that he is entitled to the relief sought." (-2)

"The petition for writ of mandamus is denied." (-2)

FACTUAL BACKGROUND

The underlying case is Morningstar Winans v. Luke B. Berry, M.D., pending in the 150th Judicial District Court of Bexar County. The trial court entered a December 10, 2025 order on Winans's motion to compel. Berry challenged that order, arguing that the trial court improperly overruled a prior discovery order and previously upheld discovery objections and improperly required him to respond to requests seeking materials from nonparty entities.

PROCEDURAL HISTORY

Berry petitioned for a writ of mandamus challenging the 150th Judicial District Court's December 10, 2025 order on Plaintiff's Motion to Compel in Cause No. 2022-CI-22739. The court of appeals initially granted temporary relief, later expanded the stay, and ordered responses concerning only Berry's third issue. After considering the parties' arguments and the record, the court denied mandamus relief and lifted the stay.

DISPOSITION

writ_denied

OPINION

In Re Luke B. Berry, M.D. v. the State of Texas

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas

MEMORANDUM OPINION

No. 04-25-00835-CV IN RE Luke B. BERRY, M.D. Original Proceeding 1

PER CURIAM

Sitting: Rebeca C. Martinez, Chief Justice Lori Massey Brissette, Justice Velia J. Meza, Justice
Delivered and Filed: February 25, 2026

PETITION FOR WRIT OF MANDAMUS DENIED; TEMPORARY STAY LIFTED

Relator, Luke B. Berry, M.D., filed his petition for writ of mandamus and motion for temporary relief on December 29, 2025. Berry complains of the trial court's December 10, 2025, Order on Plaintiff's Motion to Compel. He presents three issues. First, relator contends that the trial court abused its discretion in overruling a previous discovery order. Second, he contends that the trial court abused its discretion in overruling discovery objections that had been previously upheld. Third, relator contends that the trial court abused its discretion in ordering the individual relator to respond to discovery requests for material from non-party entities. 1 This proceeding arises out of Cause No. 2022-CI-22739, styled Morningstar Winans v. Luke B. Berry, M.D., pending in the 150th Judicial District Court, Bexar County, Texas, the Honorable Angelica Jimenez presiding. 04-25-00835-CV On January 13, 2026, we granted the stay and ordered the real party in interest, Morningstar Winans, and the respondent to file their responses to the third issue only, if any, no later than January 28, 2026. We subsequently expanded the stay on January 15, 2026. Winans has filed a response and respondent has not. This court, having considered the arguments of the parties and record provided, has determined that Berry has not established that he is entitled to the relief sought. The petition for writ of mandamus is denied. See TEX. R. APP. P. 52.8(a). The stay previously issued is lifted.

PER CURIAM

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