

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

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

-2-