

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

In re J & R Multifamily Group Ltd.

No. 01-23-00323-CV (Tex. App.—Houston [1st Dist.] June 1, 2023) · No. 01-23-00323-CV · Decided June 1, 2023

SUMMARY

The Texas Court of Appeals for the First District denied J&R Multifamily Group Ltd.'s petition for a writ of mandamus without prejudice. The court held that the petition failed to comply with Texas Rules of Appellate Procedure 52.3 and 52.7 because it lacked an adequate appendix and record, and it dismissed pending motions as moot.

OPINION

PER CURIAM.

Opinion issued June 1, 2023 In The Court of Appeals For The First District of Texas NO. 01-23-00323-CV IN RE J & R MULTIFAMILY GROUP LTD, Relator Original Proceeding on Petition for Writ of Mandamus MEMORANDUM OPINION Relator, J & R Multifamily Group LTD, has filed a petition for a writ of mandamus requesting that this Court “issue a writ of mandamus” directing the trial court to grant relator’s “Motion for Leave to Designate John Doe, Unknown Criminal Assailant as Responsible Third Party.”¹ 1 The underlying case is Jane Doe v. J & R Multifamily Group LTD d/b/a The Worthington at the Beltway a/k/a Worthington Apartments and Casa Nube En Bissonnet and J&R Multifamily Management LLC, Cause No. 2022-71136, in the 1 Relator’s petition does not comply with the requirements enumerated in Texas Rules of Appellate Procedure 52.3 and 52.7.

See TEX. R. APP. P. 52.3(k) (relator required to provide appendix which “must contain” certified or sworn copy of any “document showing the matter complained of”), 52.7 (relator “must file” record with mandamus petition containing “certified or sworn copy of every document that is material to the relator’s claim for relief and that was filed in any underlying proceeding”).

In the absence of an adequate appendix or record, this Court cannot evaluate the merits of relator’s petition. See, e.g., *In re Jones*, No. 01-20-00575-CV, 2020 WL 9071579, at *1 (Tex. App.—Houston [1st Dist.] Sept. 10, 2020, orig. proceeding [mand. denied]) (mem. op.).

Accordingly, we deny relator’s petition for writ of mandamus without prejudice to refile a petition for writ of mandamus that complies with the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 52.8(a). We dismiss any pending motions as moot. PER CURIAM Panel consists of

Justices Kelly, Hightower, and Countiss. 189th District Court of Harris County, Texas, the Honorable Tamika Craft-Demming presiding.

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