

COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO

**The Roman Catholic Bishop of San Bernardino, and Bishop Gerald
R. Barnes v. John Doe**

Roman Catholic Bishop of San Bernardino · No. 04-19-00153-CV · Decided May 31, 2019

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas May 31, 2019 No. 04-19-00153-CV THE ROMAN CATHOLIC BISHOP OF SAN BERNARDINO, and Bishop Gerald R. Barnes, Appellants v. John DOE, Appellee From the 131st Judicial District Court, Bexar County, Texas Trial Court No. 2015-CI-08589 Honorable Antonia Arteaga, Judge Presiding ORDER This is an accelerated appeal from a trial court's order denying appellants' special appearance.

On May 28, 2019, appellants filed a motion asking this court to stay discovery in the underlying suit pending resolution of the appeal. According to appellants, appellee served deposition notices on appellants, prompting appellants to request from this court a discovery stay pursuant to Rule 29.3 of the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 29.3 (stating that when appeal from interlocutory order is perfected, appellate court may make any temporary orders necessary to preserve parties' rights until disposition of appeal).

Before this court ruled on appellants' May 28, 2019 motion for stay, appellee filed in the trial court, on May 30, 2019, a motion to compel the previously requested depositions. In response, appellants filed a motion for emergency relief in this court, seeking an immediate order staying all discovery in the trial court pending resolution of the appeal.

We GRANT appellants' May 30, 2019 motion for emergency relief and ORDER all discovery in the trial court stayed pending resolution of the appeal. See *Oryx Capital Int'l, Inc. v. Sage Apartments, L.L.C.*, 167 S.W.3d 432, 437 (Tex. App.—San Antonio 2005, no pet.) (noting prior order staying all discovery in trial court pending resolution of appeal from denial of special appearance); see also TEX. R. APP.

P. 10.3(a)(3) (stating court should not hear or determine motion until 10 days after motion was filed unless motion is emergency); *id.* R. 29.3. The granting of appellants' more recent motion renders their original motion moot.

We therefore DENY AS MOOT appellants' May 28, 2019 motion to stay discovery. We order the clerk of this court to serve a copy of this order on the trial court and all counsel. It is so

ORDERED on May 31, 2019. PER CURIAM ATTESTED TO: _____
Keith E. Hottle Clerk of Court

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/texas-court-of-appeals-of-texas-fourth-district-san-antonio/2019/the-roman-catholic-bishop-of-san-bernardino-and-bishop-5ujp3e0l>