

COURT OF APPEALS FOR THE FOURTEENTH DISTRICT OF TEXAS

In re Southwest Airlines Co.

In re Southwest Airlines Co. · No. 14-19-00136-CV · Decided February 22, 2019

SUMMARY

The Fourteenth Court of Appeals of Texas granted Southwest Airlines Co.'s unopposed motion for a temporary stay in an original mandamus proceeding. The court stayed a trial court order compelling discovery and denying a protective order, ordered Southwest to file the appellate record, and requested a response to the mandamus petition.

CASE DETAILS

COURT	Court of Appeals for the Fourteenth District of Texas
WRITING FOR THE COURT	Justice Wise; Justice Zimmerer; Justice Spain
JURISDICTION	Texas
DECIDED	February 22, 2019
DOCKET	14-19-00136-CV
DISPOSITION	other
PROCEDURAL POSTURE	Southwest Airlines Co. filed an original proceeding petition for writ of mandamus challenging an order granting Lisa M. Jones's motion to compel and denying Southwest's motion for protective order. Southwest also sought an immediate temporary stay of the trial-court proceedings.
PRECEDENTIAL VALUE	Published interlocutory order; no merits holding is stated in the document.
PARTIES	Southwest Airlines Co., Relator v. Lisa M. Jones, Real Party in Interest

TOPICS

writ of certiorari appellate procedure discovery dispute civil procedure

PRACTICE AREAS

Appellate procedure Civil procedure Discovery

QUESTIONS PRESENTED

1. Whether the appellate court should temporarily stay the trial court's February 4, 2019 order granting a motion to compel and denying a motion for protective order while the mandamus petition was under consideration.
2. Whether Southwest was required to file the record supporting its mandamus petition under Texas Rule of Appellate Procedure 52.7(a).

HOLDINGS

1. The court granted Southwest's motion for temporary stay and stayed the February 4, 2019 trial-court order until a final decision on the mandamus petition or further order of the court.
2. Southwest was ordered to file the record supporting its mandamus petition on or before February 28, 2019; failure to do so would result in denial of the petition.

KEY QUOTATIONS

“It appears from the facts stated in the petition and motion that relator’s request for relief requires further consideration and that relator will be prejudiced unless immediate temporary relief is granted.”

FACTUAL BACKGROUND

The trial court entered an order granting Lisa M. Jones's motion to compel discovery and denying Southwest Airlines Co.'s motion for protective order. Southwest sought mandamus relief and argued that immediate temporary relief was necessary to prevent prejudice while the petition was considered.

PROCEDURAL HISTORY

The 281st District Court of Harris County entered an order on February 4, 2019, granting the motion to compel and denying the motion for protective order. Southwest filed a mandamus petition and an unopposed motion for temporary stay in the Fourteenth Court of Appeals. The appellate court granted the temporary stay, ordered the challenged order stayed pending further decision, required Southwest to file the record, and requested a response from Jones.

DISPOSITION

other

OPINION

in Re Southwest Airlines Co.

PER CURIAM.

Motion GRANTED and Order filed February 22, 2019. In The Fourteenth Court of Appeals

NO. 14-19-00136-CV

_____ IN RE SOUTHWEST AIRLINES CO., Relator

ORIGINAL PROCEEDING

WRIT OF MANDAMUS

281st District Court Harris County, Texas Trial Court Cause No. 2018-28295

ORDER

On February 19, 2019, relator Southwest Airlines Co. filed a petition for writ of mandamus in this court. Relator asks this court to order the Honorable Christine Weems, Judge of the 281st District Court, in Harris County, Texas, to set aside her February 4, 2019 order granting real party interest Lisa M. Jones's motion to compel and denying relator's motion for protective order, in trial court number 2018-28295, styled Lisa M. Jones v. Southwest Airlines Co. Relator also filed an unopposed motion for temporary stay of proceedings below. See Tex. R. App. P. 52.8(b), 52.10. Relator asked this court to stay proceedings in the trial court pending a decision on the petition for writ of mandamus. It appears from the facts stated in the petition and motion that relator's request for relief requires further consideration and that relator will be prejudiced unless immediate temporary relief is granted. We therefore GRANT relator's motion and issue the following order: We ORDER the February 4, 2019 order in trial court cause number 2018- 28295, Lisa M. Jones v. Southwest Airlines Co., STAYED until a final decision by this court on relator's petition for writ of mandamus, or until further order of this court. Although relator's petition for writ of mandamus contains cites to a record, relator did not file a record with its petition in accordance with Texas Rule of Appellate Procedure 52.7(a). See Tex. R. App. P. 52.7(a). We order relator to file the record on or before February 28, 2019. Failure to do so will result in the denial of relator's petition for writ of mandamus. In addition, the court requests real party in interest to file a response to the petition for writ of mandamus on or before March 14, 2019. See Tex. R. App. P. 52.4.

PER CURIAM

Panel consists of Justices Wise, Zimmerer, and Spain.