

**COURT OF APPEALS OF TEXAS, SIXTH APPELLATE DISTRICT AT
TEXARKANA**

In re Bill Ater and Cody Wyrick

No. 06-21-00095-CV · No. 06-21-00095-CV · Decided October 6, 2021

SUMMARY

The Court of Appeals for the Sixth Appellate District of Texas at Texarkana granted emergency temporary relief in an original mandamus proceeding brought by Bill Ater and Cody Wyrick. The court stayed the trial court's October 1, 2021, orders compelling the relators to disclose alleged attorney-client privileged communications pending a ruling on the mandamus petition.

CASE DETAILS

COURT	Court of Appeals of Texas, Sixth Appellate District at Texarkana
WRITING FOR THE COURT	Per Curiam; Chief Justice Morriss; Justice Burgess; Justice Stevens
JURISDICTION	Texas
DECIDED	October 6, 2021
DOCKET	06-21-00095-CV
DISPOSITION	other
PROCEDURAL POSTURE	Original mandamus proceeding in which relators sought emergency relief staying trial-court orders compelling disclosure of alleged attorney-client privileged communications during depositions.
PRECEDENTIAL VALUE	Published order granting temporary emergency relief pending resolution of a mandamus petition
PARTIES	Bill Ater, Cody Wyrick

TOPICS

[appellate procedure](#) [discovery dispute](#) [attorney client privilege](#) [civil procedure](#)

PRACTICE AREAS

[civil procedure](#) [appellate procedure](#) [privilege](#)

QUESTIONS PRESENTED

1. Whether the relators should receive temporary emergency relief staying the trial court's October 1, 2021 orders pending resolution of their petition for a writ of mandamus.

HOLDINGS

1. Temporary relief was warranted, and the trial court's October 1, 2021 orders were stayed pending the Court of Appeals' ruling on the mandamus petition.

KEY QUOTATIONS

“Therefore, the trial court’s October 1, 2021, orders are hereby stayed pending the ruling of this Court on the mandamus petition before us in this case.” (2)

FACTUAL BACKGROUND

The trial court entered October 1, 2021 orders compelling Bill Ater and Cody Wyrick, collectively the relators, to divulge alleged attorney-client privileged communications in depositions scheduled to begin October 6. The relators sought an emergency stay of those orders while their mandamus petition was under consideration.

PROCEDURAL HISTORY

On October 5, 2021, Bill Ater and Cody Wyrick moved for emergency relief while their petition for a writ of mandamus was pending. The Court of Appeals granted temporary relief and stayed the trial court's October 1, 2021 orders pending its ruling on the mandamus petition.

DISPOSITION

other

OPINION

in Re Bill Ater and Cody Wyrick

PER CURIAM.

In The Court of Appeals Sixth Appellate District of Texas at Texarkana No. 06-21-00095-CV

IN RE BILL ATER AND CODY WYRICK

Original Mandamus Proceeding Before Morriss, C.J., Burgess and Stevens, JJ.

ORDER

On October 5, 2021, Bill Ater and Cody Wyrick (collectively Relators) filed a motion for emergency relief pending a decision by this Court on their petition for a writ of mandamus. The motion for emergency relief asks this Court to stay the trial court’s October 1, 2021, orders compelling Relators to, among other things, divulge alleged attorney-client privileged communications in depositions beginning October 6 at 11:00 a.m. This Court has asked real parties in interest to provide a response to Relators’ petition for a writ of mandamus. After reviewing Relators’ motion for emergency relief, this Court is of the opinion that the temporary

relief requested should be granted and that the October 1, 2021, orders of the trial court referenced above should be stayed pending the ruling of this Court on Relators' petition for a writ of mandamus. Therefore, the trial court's October 1, 2021, orders are hereby stayed pending the ruling of this Court on the mandamus petition before us in this case. IT IS SO ORDERED.

BY THE COURT

Date: October 6, 2021 2