

**COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS
CHRISTI–EDINBURG**

In re Gustavo Ramirez

In re Ramirez · No. 13-21-00215-CV · Decided July 13, 2021

SUMMARY

The Thirteenth Court of Appeals of Texas granted Gustavo Ramirez's motion to stay pending resolution of his petition for writ of mandamus. The stay halted a trial court order compelling Ramirez to appear for a presuit deposition under Texas Rule of Civil Procedure 202, and the court requested responses to the mandamus petition.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Chief Justice Contreras; Justice Benavides; Justice Silva
JURISDICTION	Texas
DECIDED	July 13, 2021
DOCKET	13-21-00215-CV
DISPOSITION	other
PROCEDURAL POSTURE	Relator filed a petition for writ of mandamus challenging a trial court order compelling him to appear for a presuit deposition under Texas Rule of Civil Procedure 202. He also moved to stay the deposition order pending resolution of the mandamus proceeding.
PRECEDENTIAL VALUE	Published per curiam order; the source does not state any limitation on precedential value.
PARTIES	Gustavo Ramirez v. Ambrose Hernandez, Legacy Home Health Agency, Inc., Legacy Home Care Services Inc. d/b/a All Seasons Home Care, Inc.

TOPICS

discovery dispute

writ of certiorari

appellate procedure

civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the presuit deposition ordered under Texas Rule of Civil Procedure 202 should be stayed pending resolution of the mandamus proceeding.

HOLDINGS

1. The motion for stay pending mandamus should be granted, and the presuit deposition was stayed pending resolution of the original proceeding.

KEY QUOTATIONS

“Accordingly, we grant the relator’s motion for stay pending mandamus, and we order the presuit deposition to be stayed pending resolution of this original proceeding.”

FACTUAL BACKGROUND

The trial court ordered Gustavo Ramirez to appear for a presuit deposition under Texas Rule of Civil Procedure 202. Ramirez sought mandamus relief to compel the trial court to vacate that order. While the mandamus proceeding was pending, Ramirez requested a stay of the presuit deposition.

PROCEDURAL HISTORY

The trial court entered an order on July 2, 2021, compelling Gustavo Ramirez to appear for a presuit deposition. Ramirez initiated an original mandamus proceeding in the court of appeals and sought a stay of the trial court's order. The court of appeals granted the motion for stay and requested responses to the mandamus petition; it did not decide the merits of the petition.

DISPOSITION

other

OPINION

in Re Gustavo Ramirez

PER CURIAM.

NUMBER 13-21-00215-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN RE GUSTAVO RAMIREZ

On Petition for Writ of Mandamus.

ORDER

Before Chief Justice Contreras and Justices Benavides and Silva Order Per Curiam Relator

Gustavo Ramirez has filed a petition for writ of mandamus and a motion for stay pending mandamus in the above-referenced cause. Through this original proceeding, relator seeks to compel the trial court to vacate its order of July 2, 2021, compelling relator to appear for a presuit deposition pursuant to Texas Rule of Civil Procedure 202. See TEX. R. CIV. P. 202 (governing depositions before suit or to investigate claims). By motion for stay pending mandamus, relator seeks to stay the trial court's order pending resolution of this original proceeding. The Court, having examined and fully considered the motion for stay pending mandamus, is of the opinion that the motion should be granted. Accordingly, we grant the relator's motion for stay pending mandamus, and we order the presuit deposition to be stayed pending resolution of this original proceeding. See TEX. R. APP. P. 52.10(b) ("Unless vacated or modified, an order granting temporary relief is effective until the case is finally decided."). The Court requests that the real parties in interest, Ambrose Hernandez; Legacy Home Health Agency, Inc.; and Legacy Home Care Services Inc. d/b/a All Seasons Home Care, Inc.; or any others whose interest would be directly affected by the relief sought, file a response to the petition for writ of mandamus on or before the expiration of ten days from the date of this order. See id. R. 52.2, 52.4, 52.8.

PER CURIAM

Delivered and filed on the 13th day of July, 2021. 2