

FOURTEENTH COURT OF APPEALS OF TEXAS

In re Linda Hernandez, Jose Hernandez, Javier Vasquez, Claudia Gil, Raul Vasquez and Virginia Vasquez

No. 14-12-00935-CV (Tex. App.—Houston [14th Dist.] Jan. 8, 2013) · No. No. 14-12-00935-CV · Decided January 8, 2013

SUMMARY

The Fourteenth Court of Appeals of Texas denied a petition for writ of mandamus filed by Linda Hernandez and the other relators. The relators sought to compel the trial court to vacate orders concerning a motion to compel and objections to requests for production, but the court held that they had not established entitlement to extraordinary relief.

CASE DETAILS

COURT	Fourteenth Court of Appeals of Texas
WRITING FOR THE COURT	Justice Frost; Justice Jamison; Justice McCally
JURISDICTION	Texas
DECIDED	January 8, 2013
DOCKET	No. 14-12-00935-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding on a petition for writ of mandamus seeking to compel the trial judge to vacate discovery-related orders.
STANDARD OF REVIEW	Mandamus relief is extraordinary, and relators must establish entitlement to the writ.
PRECEDENTIAL VALUE	Published memorandum opinion; no reporter citation appears in the source.
PARTIES	Linda Hernandez, Jose Hernandez, Javier Vasquez, Claudia Gil, Raul Vasquez, Virginia Vasquez

TOPICS

discovery dispute appellate procedure civil procedure remedies

PRACTICE AREAS

civil procedure

appellate procedure

discovery

QUESTIONS PRESENTED

1. Whether relators established entitlement to a writ of mandamus compelling the trial judge to vacate the order denying their motion to compel and the order sustaining objections to their requests for production.

HOLDINGS

1. Relators failed to establish entitlement to the extraordinary relief of a writ of mandamus; the petition was therefore denied.

KEY QUOTATIONS

“Relators have not established entitlement to the extraordinary relief of a writ of mandamus.”

FACTUAL BACKGROUND

Relators sought discovery from David Salyer and filed a motion to compel. The 212th District Court denied the motion to compel and sustained Salyer's objections to relators' requests for production. Relators sought mandamus relief requiring the trial judge to vacate those orders.

PROCEDURAL HISTORY

Relators filed a petition for writ of mandamus in the Fourteenth Court of Appeals on October 10, 2012. They challenged the trial court's April 20, 2012 order denying their motion to compel and December 12, 2011 order sustaining David Salyer's objections to their requests for production. The court denied the petition.

DISPOSITION

writ_denied

OPINION

PER CURIAM.

Petition for Writ of Mandamus Denied and Memorandum Opinion filed January 8, 2013. In The Fourteenth Court of Appeals NO. 14-12-00935-CV IN RE LINDA HERNANDEZ, JOSE HERNANDEZ, JAVIER VASQUEZ, CLAUDIA GIL, RAUL VASQUEZ AND VIRGINIA VASQUEZ, Relators ORIGINAL PROCEEDING WRIT OF MANDAMUS 212th District Court Galveston County, Texas Trial Court Cause No. 09CV0348 MEMORANDUM OPINION On October 10, 2012, relators Linda Hernandez, Jose Hernandez, Javier Vasquez, Claudia Gil, Raul Vasquez, and Virginia Vasquez filed a petition for writ of mandamus in this Court.

See Tex. Gov't Code Ann. §22.221; see also Tex. R. App. P. 52. In the petition, relators ask this court to compel the Honorable Susan Criss, presiding judge of the 212th District Court of Galveston County, to vacate her April 20, 2012 order denying relators' motion to compel, and her December 12, 2011 order sustaining David Salyer's objections to relators' requests for production.

Relators have not established entitlement to the extraordinary relief of a writ of mandamus. Accordingly, we deny relators' petition for writ of mandamus. PER CURIAM Panel consists of Justices Frost, Jamison, and McCally. 2