

## 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