

Deny and Opinion Filed October 3, 2019



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-01064-CV

IN RE JAMES D. DONDERO AND NEXBANK SSB, Relators

Original Proceeding from the 193rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-19-04666

MEMORANDUM OPINION

Before Justices Whitehill, Partida-Kipness, and Pedersen, III
Opinion by Justice Pedersen, III

Before the Court is relators' September 3, 2019 petition for writ of mandamus in which relators contend the trial court abused its discretion by granting real party in interest's motion to compel the deposition of relator James D. Dondero. To be entitled to mandamus relief, relators must show both that the trial court has clearly abused its discretion and that relators have no adequate appellate remedy. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). After reviewing the petition, real party's response to the petition, and the mandamus record, we conclude relators have not shown they are entitled to the relief requested.

Accordingly, we deny relators' petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a) (the court must deny the petition if the court determines relator is not entitled to the

relief sought).

BILL PEDERSEN. III
BILL PEDERSEN. III
JUSTICE

Whitehill, J., dissenting without opinion.

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