

DENIED and Opinion Filed December 1, 2023



**In the
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-23-01209-CV

**IN RE STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY
AND JERI CHARLOTTE RAMOS, Relators**

**Original Proceeding from the County Court at Law No. 2
Dallas County, Texas
Trial Court Cause No. CC-23-02251-B**

MEMORANDUM OPINION

Before Justices Partida-Kipness, Carlyle, and Garcia
Opinion by Justice Carlyle

Before the Court are relators' November 30, 2023 petition for writ of mandamus and emergency motion for temporary relief. In their petition, relators challenge a trial court order compelling their respective depositions. In their emergency motion, relators seek to stay the depositions pending our action on the petition.

Entitlement to mandamus relief requires a relator to show that the trial court clearly abused its discretion and that the relator lacks an adequate appellate remedy. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). The relator bears the burden of providing the Court with a sufficient

record to show it is entitled to relief. *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding).

Relators' petition does not comply with the Texas Rules of Appellate Procedure. *See, e.g.*, TEX. R. APP. P. 52.3(k)(1)(A), 52.7(a)(1), 52.7(a)(2). For instance, relator attempted to swear to the authenticity of the documents in the record using an attorney's verification. But the verification is defective because it is written in relation to a separate lawsuit and is signed by an attorney who does not appear to be counsel of record.

Alternatively, notwithstanding these defects, after reviewing relator's petition and the record before us, we conclude that relator has failed to demonstrate entitlement to mandamus relief. *See In re State Farm Mut. Auto. Ins. Co.*, No. 05-23-01062-CV, 2023 WL 7984390, at *1 (Tex. App.—Dallas Nov. 17, 2023, orig. proceeding) (mem. op.). Accordingly, we deny the petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a).

We also deny relators' emergency motion for temporary relief as moot.

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/Cory L. Carlyle//

CORY L. CARLYLE
JUSTICE