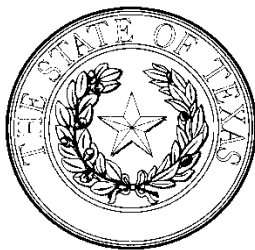


Opinion issued December 10, 2012



In The
Court of Appeals
For The
First District of Texas

NO. 01-12-00977-CV

**IN RE SHATISH PATEL, M.D., HEMALATHA VIJAYAN, M.D.,
SUBODH SONWALKAR, M.D., AND WOLLEY OLADUT, M.D., Relators**

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

On October 24, 2012, relators filed a petition for writ of mandamus, requesting that this court order the trial court to rule on a motion to compel responses to 67 discrete discovery requests.*

* The underlying case is *Patel et al. v. St. Luke's Sugar Land Partnership, L.L.P. et al.*, No. 2011-24016, in the 152nd District Court of Harris County, Texas, the Honorable Robert Schaffer presiding.

The mandamus record reflects multiple hearings and partial rulings on relators' motion, as well as ongoing proceedings in the trial court relating to the motion. We conclude that, under the circumstances, the relators have not demonstrated a refusal by the trial court to rule. *See, e.g., Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, no writ). Accordingly, we **deny** the petition for writ of mandamus without prejudice to re-filing at a later date. We **dismiss** all pending motions.

PER CURIAM

Panel consists of Justices Keyes, Massengale, and Brown.