

Petition for Writ of Mandamus Denied and Memorandum Majority and Dissenting Opinions filed February 22, 2024.



In The

Fourteenth Court of Appeals

NO. 14-24-00023-CV

**IN RE NORTH HOUSTON – TRMC, LLC D/B/A HCA HOUSTON
HEALTHCARE TOMBALL, Relator**

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
129th District Court
Harris County, Texas
Trial Court Cause No. 2022-43811**

MEMORANDUM DISSENTING OPINION

Relator’s mandamus record states there is a transcript of the September 11, 2023 oral hearing, suggesting there is relevant testimony from the underlying proceeding and possibly exhibits offered in evidence. *See* Tex. R. App. P. 52.7(a)(2). Relator has not filed that transcript as a part of the mandamus record.

Without commenting on whether that transcript and possible exhibits would change whether relator is entitled to the requested relief, I would give relator notice and allow relator to either supplement the mandamus record or file a statement that

no testimony was adduced in connection with the matter complained. *See* Tex. R. App. P. 52.7(a)(2), (b).

I dissent to reaching the merits without notifying relator and allowing an opportunity to cure. *See In re Kholaiif*, 624 S.W.3d 228, 231 (order), *mand. disp 'd*, 615 S.W.3d 369 (Tex. App.—Houston [14th Dist.] 2020) (orig. proceeding).

/s/ Charles A. Spain
Justice

Panel consists of Justices Bourliot, Zimmerer, and Spain (Spain, J., dissenting).