

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-11-00266-CV**

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**IN RE JOHN WALTER COBB AND ELIZABETH COBB**

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**Original Proceeding**

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**MEMORANDUM OPINION**

Joyce Cobb brought a suit for damages and declaratory judgment against Relators, John Walter Cobb and Elizabeth Cobb, Individually and as Co-Independent Executors of the Estate of John Vernon Cobb and as Trustees of the John Vernon Cobb Family Trust and the John Vernon Cobb Marital Trust. Relators seek mandamus relief from that part of an order that requires them to produce, for the time period beginning January 1, 2000 through the present: (1) federal income tax returns; (2) personal banking records, including checks and deposits; (3) a list of real estate transactions entered into by Relators; (4) tax statements and receipts on real estate owned by Relators; and (5) records on the sale or purchase of cattle. The trial court granted a protective order that limited the disclosure and use of the documents produced.

Mandamus will issue only to correct a clear abuse of discretion when that abuse cannot be remedied by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004); *Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992). After reviewing the mandamus record and petition, we conclude that Relators have failed to establish an abuse of discretion by the trial court. *See, e.g., Hall v. Lawlis*, 907 S.W.2d 493, 494 (Tex. 1995) (“Income tax returns are discoverable to the extent they are relevant and material to the issues presented in the lawsuit.”); Tex. R. Civ. P. 192.6 (Protective Orders). Accordingly, we lift our order granting temporary relief and deny the petition for writ of mandamus.

PETITION DENIED.

PER CURIAM

Submitted on June 8, 2011  
Opinion Delivered June 30, 2011

Before McKeithen, C.J., Gaultney and Kreger, JJ.