



**In the
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-23-00032-CV

IN RE GILEAD SCIENCES, INC.

Original Mandamus Proceeding

Before Stevens, C.J., van Cleef and Rambin, JJ.
Memorandum Opinion by Justice Rambin

MEMORANDUM OPINION

This Court has previously ordered the Honorable Brad Morin, Judge of the 71st Judicial District Court of Harrison County, Texas, “to stay proceedings until entry of [the] final judgment” in an action pending in the Eastern District of Pennsylvania. *In re Gilead Scis., Inc.*, No. 06-21-00030-CV, 2021 WL 4466006, at *8 (Tex. App.—Texarkana Sept. 30, 2021, orig. proceeding) (mem. op.). In compliance with this Court’s prior judgment, the trial court ordered this case “abated until entry of final judgment in the Pennsylvania Action, *U.S. ex rel. Travis v. Gilead Sciences, Inc.*, Case No. 2: 17-cv-01183-CMR (E.D. Pa.)” Now, Gilead Sciences, Inc., has filed another petition for a writ of mandamus asserting that the trial court has lifted its stay even though the Pennsylvania action is still pending. Because Gilead’s mandamus petition fails to comply with Rule 52.3(j) of the Texas Rules of Appellate Procedure, we must deny it.

Rule 52.3(j) of the Texas Rules of Appellate Procedure provides, “The person filing the petition must certify that he or she has reviewed the petition and concluded that every factual statement in the petition is supported by competent evidence included in the appendix or record.” TEX. R. APP. P. 52.3(j). No such certification accompanied Gilead’s petition. “Because it fails to comply with the requirement of Rule 52.3(j), we conclude that Gilead’s petition is not authenticated as required by the Texas Rules of Appellate Procedure.” *See In re Porter*, No. 06-21-00055-CV, 2021 WL 2964271, at *1 (Tex. App.—Texarkana July 15, 2021, orig. proceeding) (mem. op.); *see also In re Stutsman*, No. 06-20-00064-CV, 2020 WL 5580185, at *1 (Tex. App.—Texarkana Sept. 18, 2020, orig. proceeding) (mem. op.).

We deny the petition for a writ of mandamus.¹

Jeff Rabin
Justice

Date Submitted: April 20, 2023
Date Decided: April 21, 2023

¹We also deny Gilead's accompanying motion for a temporary stay of the proceedings in the trial court.