

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-22-00555-CV

In re Joseph Pasquale DeSimone

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Relator Joseph Pasquale DeSimone has filed a petition for writ of mandamus seeking relief from a temporary order rendered in a suit affecting the parent-child relationship (SAPCR) requiring him to pay \$108,744.25 in interim attorney’s fees to the attorney for real party in interest Candyce Zook. *See* Tex. Fam. Code § 109.001(a)(5). A party seeking mandamus relief has the burden of providing this Court with a sufficient record to establish his right to such relief. *See Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992); *see* Tex. R. App. P. 52.7(a) (providing that mandamus record must contain, among other things, “properly authenticated copies” of “any exhibits offered in evidence”).

This record does not meet the requirements of Rule 52.7; therefore, this Court lacks a record sufficient to assess the right to mandamus relief. We accordingly deny relief. *See* Tex. R. App. P. 52.8(a).¹

¹ We dismiss as moot DeSimone’s “Emergency Motion to Stay Deadline to Pay Interim Attorney’s Fee Award.”

Thomas J. Baker, Justice

Before Justices Goodwin, Baker, and Kelly

Filed: October 26, 2022