



NUMBER 13-09-00320-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE: CONTINENTAL AIRLINES, INC.

On Relator's Petition for Writ of Mandamus

MEMORANDUM OPINION

**Before Justices Rodriguez, Garza and Vela
Memorandum Opinion Per Curiam**

Relator, Continental Airlines, Inc., filed a petition for writ of mandamus with this Court alleging that respondent, the Honorable Israel Ramon Jr., presiding judge of the 430th Judicial District Court of Hidalgo County, Texas, abused his discretion by granting the "Verified Petition to Take Deposition Before Suit" filed by the real party in interest, Cynthia S. Herrera as Attorney in Fact for Sylvia C. Tena, and by entering findings of fact and conclusions of law corresponding thereto. Relator also filed a "Emergency Motion for Temporary Relief" with this Court, which we granted on June 10, 2009.

Having reviewed and fully considered relator's petition for writ of mandamus, the clerk's record, and the response to relator's petition filed by the real party in interest, this Court is of the opinion that the relator has not shown itself entitled to the relief sought and

that the petition should be denied. Accordingly, relator's petition for writ of mandamus is denied. See TEX. R. APP. P. 52.8(a). Further, the stay of proceedings previously imposed by this Court in trial court cause number C-1223-09-J is hereby lifted.

PER CURIAM

Memorandum Opinion delivered and
filed on this the 22nd day of June, 2009.