



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

MATTHEW FLOREZ and LEXUS BROWN,	§	No. 08-19-00302-CR
Appellant,	§	Appeal from the
v.	§	143rd Judicial District Court
PASCUAL Q. OLIBAS,	§	of Reeves County, Texas
Appellee.	§	(TC#19-07-23056-CVR)

DISSENTING OPINION

Respectfully, I dissent. Unlike the majority, I would conclude that Rule 202 petitions seeking pre-suit depositions are not “legal actions” within the scope of the Texas Citizens’ Participation Act. *See* TEX. R. CIV. P. 202.1 (allowing a petitioner to file a petition to determine whether a meritorious lawsuit for demonstrable injury exists). Here, I would adopt the analysis of *Houston Tennis Ass’n, Inc. v. Thibodeaux*, 602 S.W.3d 712, 719 (Tex. App.—Houston [14th Dist.] 2020, no pet.), and the other cases cited within that decision, as I find those cases to be persuasive.

July 26, 2022

GINA M. PALAFOX, Justice.

Before Rodriguez, C.J., Palafox and Alley, JJ.