

**Writ of Mandamus is Conditionally Granted; Opinion Filed July 26, 2013.**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

---

**No. 05-13-00538-CV**

---

**IN RE PATRICK DOAK, JERRY ZEMANSKI AND STEVEN BIN, Relators**

---

**On Appeal from the 296th Judicial District Court  
Collin County, Texas  
Trial Court Cause No. 296-00538-2013**

---

**MEMORANDUM OPINION**

Before Justices FitzGerald, Lang, and Myers  
Opinion by Justice Lang

Relators filed this petition for writ of mandamus claiming the trial court erred in ordering them to submit to depositions under TEX. R. CIV. P. 202. For the reasons articulated in our opinion of today's date in *In re Campo, et al.*, No. 05-13-00477-CV, we conclude the trial court abused its discretion in ordering the depositions and that relators have no adequate remedy by appeal. *See Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). We therefore conditionally grant the writ of mandamus. A writ will issue only in the event the trial court fails to vacate its April 5, 2013 "Order Granting Davaco, Inc.'s Rule 202 Petition" and to render an order denying that petition.

/Douglas S. Lang/  
DOUGLAS S. LANG  
JUSTICE