

DENY; and Opinion Filed July 17, 2014.



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

No. 05-14-00872-CV

IN RE FRESHPOINT DALLAS, INC. AND ARTURO CORONEL-NEGRETE, Relator

**On Appeal from the 298th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-13-12600**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice FitzGerald, and Justice Francis
Opinion by Justice FitzGerald

Relators filed this petition for writ of mandamus contending that the trial court abused its discretion by ordering that a videographer must be present during the independent medical examination of the real party in interest. Mandamus is an extraordinary remedy that is available only in limited circumstances. *CSR Ltd. v. Link*, 925 S.W.2d 591, 596 (Tex. 1996) (orig. proceeding) (citing *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992) (orig. proceeding)). Mandamus is appropriate “only to correct a clear abuse of discretion or the violation of a duty imposed by law when there is no other adequate remedy by law.” *Id.* To obtain mandamus relief, a relator must show both that the trial court has clearly abused its discretion and that relator has no adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004); *Walker*, 827 S.W.2d at 839.

Relators have not established that the trial court has clearly abused its discretion in ordering that a videographer must be present during the independent medical examination of the

real party in interest. Accordingly, relators have failed to establish that they are entitled to relief.

TEX. R. APP. P. 52.8(a). We **DENY** the petition for writ of mandamus.

/Kerry P. FitzGerald/

KERRY P. FITZGERALD
JUSTICE

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