

Denied and Opinion Filed August 31, 2017



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-17-01019-CV

IN RE PHILIP J. ROMANO, Relator

Original Proceeding from the County Court at Law No. 2
Dallas County, Texas
Trial Court Cause No. CC-16-03169-B

MEMORANDUM OPINION

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

In this original proceeding, relator complains of the trial court's denial of relator's motion for independent medical examination of the plaintiff in the underlying case. To be entitled to 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) (orig. proceeding). Based on the record before us, we conclude relator has not shown that the trial court clearly abused its discretion in denying the motion. Accordingly, we deny relator's petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a) (the court must deny the petition if the court determines relator is not entitled to the relief sought).

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/Douglas S. Lang/
DOUGLAS S. LANG
JUSTICE