

Denied and Opinion Filed May 7, 2018



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

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No. 05-18-00194-CV

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**IN RE THE EPISCOPAL CHURCH OF THE GOOD SHEPHERD OF DALLAS D/B/A  
GOOD SHEPHERD EPISCOPAL SCHOOL, Relator**

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**Original Proceeding from the 68th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-17-16679**

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**MEMORANDUM OPINION**

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

In this original proceeding, relator The Episcopal Church of the Good Shepherd of Dallas d/b/a Good Shepherd Episcopal School (“GSES”) complains of the trial court’s order granting pre-suit discovery under Rule 202 of the Texas Rules of Civil Procedure. The trial court ordered GSES to present its corporate representative for a one-hour deposition of limited scope, to respond to a twenty-question deposition upon written questions, and to produce certain documents requested by the real parties in interest John Doe, Jane Doe, and John Doe, Jr. (“the Does”). Per our request, the Does filed a response to the petition. The Does also filed a motion to dismiss this proceeding, to which GSES responded. After reviewing the parties’ briefs and the mandamus record, we conclude relator is not entitled to the relief requested and deny the petition.

GSES is an anticipated defendant in the Does’ contemplated litigation. Mandamus is, therefore, the proper vehicle by which to seek the relief requested. *In re Jorden*, 249 S.W.3d 416,

419 (Tex. 2008) (orig. proceeding); *In re Hewlett Packard*, 212 S.W.3d 356, 360 (Tex. App.—Austin 2006, orig. proceeding). 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). A trial court abuses its discretion if it reaches a decision so arbitrary and unreasonable as to amount to a clear and prejudicial error of law or if it clearly fails to correctly analyze or apply the law. *Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992) (orig. proceeding).

Based on the record before us, we conclude relator has not shown it is entitled to the relief requested. Relator has not established that the trial court abused its discretion by granting the Does' discovery requests. Further, relator's complaints regarding the deposition of the corporate representative and the deposition on written questions are moot because relator participated in the deposition and answered the deposition on written questions. 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).

/Lana Myers/  
LANA MYERS  
JUSTICE

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