

DENY and Opinion Filed August 12, 2021



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

No. 05-20-00993-CV

**IN RE STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,
Relator**

**Original Proceeding from the 162nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-19-01193**

MEMORANDUM OPINION

Before Justices Pedersen, III, Carlyle, and Garcia
Opinion by Justice Garcia

In this original proceeding, relator State Farm asks us to compel the trial court to vacate: (1) its order quashing and granting protection regarding discovery about the medical provider's reimbursement rates from insurers, and (2) its order striking the section 18.001 counter-affidavits regarding the reasonableness of the medical expenses. Entitlement to mandamus relief requires relator to show that the trial court clearly abused its discretion and that relator lacks an adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding).

Regarding relator's challenge to the trial court's order quashing and granting protection regarding discovery about the medical provider's reimbursement rates, we conclude that relator has not shown his entitlement to the relief requested.

As for relator's challenge to the order striking the section 18.001 counter-affidavits, we note that the trial court ruled without the benefit of the Supreme Court's recent decision in *In re Allstate Indemnity*, No. 20-0071, 2021 WL 1822946 (Tex. May 7, 2021) (orig. proceeding). Because the trial court should have the opportunity to reconsider its orders in light of that opinion, we deny the petition for writ of mandamus without prejudice to give the trial court that opportunity. *See In re Parks*, No. 20-0345, 2021 WL 2603690 (Tex. Jun. 25, 2021) (orig. proceeding) (denying petition for writ of mandamus without prejudice to give trial court opportunity to reconsider order in light of *In re Allstate*). We also lift the stay issued by this Court's order dated January 7, 2021.

/Dennise Garcia/

DENNISE GARCIA
JUSTICE

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