

DENY and Opinion Filed January 24, 2022



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

No. 05-21-01063-CV

IN RE R.B., Relator

**Original Proceeding from the 330th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-13-20408-Y**

MEMORANDUM OPINION

Before Justices Myers, Partida-Kipness, and Carlyle
Opinion by Justice Partida-Kipness

In this original proceeding, relator asks this Court for a writ of mandamus compelling the trial court to vacate its temporary order changing the conservator with the exclusive right to determine the child's primary residence. We deny the petition on the merits, and we deny the motion for temporary relief and emergency stay as moot.

Relator first filed a petition in this case in which she failed to redact information that identified her minor child. By order dated December 15, 2021, we struck the petition and supporting appendix, and we granted relator leave to file a redacted petition in compliance with rule 9.9 of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 9.9. Relator's refiled petition includes some

redactions, but still contains sensitive information that identifies her minor child. In the interest of judicial economy, we exercise our discretion to consider the merits of her petition before striking it again.

Entitlement to mandamus relief requires relator to show that the trial court clearly abused its discretion and that she lacks an adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). Based on our review of the record, we conclude relator has failed to show her entitlement to the relief requested. *See* TEX. R. APP. P. 52.8(a). Accordingly, we deny the petition for writ of mandamus on the merits, and we deny the motion for temporary relief and emergency stay as moot.

We also strike the petition and supporting appendix for relator’s failure to comply with Texas Rule of Appellate Procedure 9.9’s redaction requirements.

/Robbie Partida-Kipness/
ROBBIE PARTIDA-KIPNESS
JUSTICE

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

JUDGMENT

METHODIST HOSPITALS OF
DALLAS D/B/A METHODIST
MANSFIELD MEDICAL CENTER,
Appellant

No. 05-21-00039-CV V.

CYNTHIA YATES,
INDIVIDUALLY AND AS
REPRESENTATIVE OF THE
ESTATE OF HUBERT YATES,
Appellee

On Appeal from the County Court at
Law No. 2, Dallas County, Texas
Trial Court Cause No. CC-19-07083-
B.

Opinion delivered by Justice
Goldstein. Justices Molberg and
Nowell participating.

In accordance with this Court's opinion of this date, the trial court's order denying the motion to dismiss of Methodist Hospitals of Dallas d/b/a Methodist Mansfield Medical Center is **AFFIRMED**.

It is **ORDERED** that appellee CYNTHIA YATES, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF HUBERT YATES recover her costs of this appeal from appellant METHODIST HOSPITALS OF DALLAS D/B/A METHODIST MANSFIELD MEDICAL CENTER.

Judgment entered January 24, 2022.