

DENY and Opinion Filed March 25, 2022



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

No. 05-22-00100-CV

**IN RE ELDA TELLE , ELAINE BOSCH, CAITLIN DICKEY AND
CHICAGO TITLE OF TEXAS, LLC, Relators**

**Original Proceeding from the 471st Judicial District Court
Collin County, Texas
Trial Court Cause No. 471-01185-2021**

MEMORANDUM OPINION

Before Justices Osborne, Partida-Kipness, and Smith
Opinion by Justice Smith

Before the Court is relators' March 9, 2022 petition for writ of mandamus.

After reviewing relators' petition, we find that relators have failed to fully comply with Rule 52 of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 52. Relators failed to certify that relators have reviewed the petition and concluded every factual statement in petition is supported by competent evidence included in the appendix or record, as required by Texas Rule of Appellate Procedure Rule 52.3(j). *See* TEX. R. APP. P. 52.3(j). In a footnote within the petition's statement of facts, relators state an attempt was made "to relate only

facts supported by evidence in the record, and not assertions, characterizations, or rhetoric bandied about in pleadings or motion papers in the case.” Neither the statement nor the attempt satisfy the stringent requirements of Rule 52.3(j).

Because we conclude the contents of relators’ petition is not certified as required by the Texas Rules of Appellate Procedure, we deny the petition for writ of mandamus. *See In re Butler*, 270 S.W.3d 757, 759 (Tex. App.—Dallas 2008, orig. proceeding). Such denial is without prejudice to relators’ refileing a petition compliant with Texas Rule of Appellate Procedure 52.

/Craig Smith/

CRAIG SMITH
JUSTICE

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