

Deny and Opinion Filed February 18, 2022



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

No. 05-22-00105-CV

IN RE PINE TREE CAPITAL, LLC, ET AL, Relators

**Original Proceeding from the 191st Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-09-01295**

MEMORANDUM OPINION

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

Before the Court are relators' petition for writ of mandamus, Richard D. Gaines' motion to be admitted pro hac vice to represent relators, and resident practicing Texas attorney's motion in support of the pro hac vice motion, all filed February 10, 2022.

The motion by Richard D. Gaines does not comply with the requirements for participation in Texas proceedings by a non-resident attorney. *See* TEX. R. GOVERNING ADMISSION TO THE BAR XIX(d). Although he has not been admitted to the State Bar of Texas or pro hac vice to represent relators in this case, his

signature block and signature both appear on the petition for writ of mandamus along with those of a member of the Texas Bar. *See In re Hartford Life & Annuity Ins. Co.*, No. 05-14-00457-CV, 2014 WL 1613018, at *1 (Tex. App.—Dallas, Apr. 22, 2014, orig. proceedings) (mem. op.) (improper inclusion on a petition signed by a resident attorney when neither licensed nor admitted pro hac vice).

Additionally, relators' petition does not satisfy the requirements of the Texas Rules of Appellate Procedure. The petition is not properly certified. *See* TEX. R. APP. P. 52.3(j). Relators have also failed to provide a complete and properly certified or sworn record. *See* TEX. R. APP. P. 52.3(k) and 52.7(a)(1). Relators have failed to provide an adequate record for our review.

Accordingly, we deny the motions for Richard D. Gaines to be admitted pro hac vice to represent relators and we deny the petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a).

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/Ken Molberg//
KEN MOLBERG
JUSTICE