

DENY and Opinion Filed June 9, 2022



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

No. 05-22-00557-CV

IN RE CHARTER COMMUNICATIONS, LLC, Relator

**Original Proceeding from the County Court at Law No. 5
Dallas County, Texas
Trial Court Cause No. CC-20-01579-E**

MEMORANDUM OPINION

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

Before the Court are relator's June 8, 2022 petition for writ of mandamus and motion for emergency temporary relief. In the petition, relator challenges the trial court's ruling granting real parties in interest's motion for a spoliation instruction.

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 Copart, Inc.*, 619 S.W.3d 710, 713 (Tex. 2021) (orig. proceeding) (citing *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding)).

After reviewing the petition, record, and supplemental record, we conclude that relator has failed to show that it lacks an adequate remedy by appeal.

Accordingly, we deny the petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a).

We also deny the motion for emergency temporary relief as moot.

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/Dennise Garcia/
DENNISE GARCIA
JUSTICE