

Opinion issued August 14, 2014



In The
Court of Appeals
For The
First District of Texas

NO. 01-14-00470-CV

IN RE RACK ROOM SHOE, INC., Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

On June 27, 2014 relator Rack Room Shoes, Inc. filed a petition for writ of mandamus challenging an oral order of the trial court on its motion to conduct a mental examination of the real-party-in-interest pursuant to Texas Rule of Civil Procedure 204.1.¹ The order at issue granted relator's request for an examination

¹ The underlying case is *Cassandra Ruiz v. Rack Room Shoes, Inc. and William Parker*, cause number 69664-B, pending in the 239th District Court of Brazoria County, Texas, the Hon. Patrick Sebesta presiding.

but provided that the trial court would appoint an expert other than relator's chosen expert to conduct the examination.

We deny the petition without prejudice to relator refiling upon further order of the trial court. We lift the stay imposed in our July 17, 2014 order and dismiss the parties' motions to lift the stay as moot. Relator's motion for sanctions is denied.

PER CURIAM

Panel consists of Justices Jennings, Bland, and Massengale.