

Opinion issued July 28, 2020



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-19-00496-CV

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**IN RE ANTHONY JOHNSON, Relator**

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**Original Proceeding on Petition for Writ of Mandamus**

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**MEMORANDUM OPINION**

Relator, Anthony Johnson, has filed a petition for a writ of mandamus challenging two orders of the trial court requiring relator to accept service of deposition notices and produce for deposition three physicians who, on behalf of

relator, provided counteraffidavits disputing medical-cost evidence presented by real party in interest, Ilander Horejs.<sup>1</sup> See TEX. CIV. PRAC. & REM. CODE § 18.001.

We deny relator's petition for writ of mandamus.<sup>2</sup>

Mandamus is an extraordinary remedy that is only available in limited circumstances. See *Walker v. Packer*, 827 S.W.2d 833, 839–40 (Tex. 1992). Discovery matters are generally within the trial court's sound discretion, but "mandamus will issue to correct a discovery order if the order constitutes a clear abuse of discretion and there is no adequate remedy by appeal." See *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 941 (Tex. 1998). "[A] clear failure by the trial court to analyze or apply the law correctly will constitute an abuse of discretion." *Walker*, 827 S.W.3d at 840.

Relator has not demonstrated that the trial court committed an abuse of discretion in ordering relator to present the physicians for their depositions and to bear the financial responsibility of those depositions. Accordingly, we deny relator's petition for writ of mandamus. See TEX. R. APP. P. 52.8(a), (d). All pending motions are dismissed as moot.

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<sup>1</sup> Relator's petition for writ of mandamus also challenges the trial court's order denying his motion to reconsider the trial court's granting of real party in interest's motion to compel the depositions of the three physicians.

<sup>2</sup> The underlying case is *Ilander Horejs v. Anthony Johnson*, Cause No. 2017-72144, in the 270th District Court of Harris County, Texas, the Honorable Dedra Davis presiding.

**PER CURIAM**

Panel consists of Justices Keyes, Kelly, and Landau