

Petition for Writ of Mandamus Denied and Memorandum Opinion filed August 9, 2011.



In The

Fourteenth Court of Appeals

NO. 14-11-00626-CV

IN RE WILMA REYNOLDS, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
300th District Court
Brazoria County, Texas
Trial Court Cause No. 48170**

MEMORANDUM OPINION

On July 25, 2011, relator, Wilma Reynolds, filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code § 22.221; *see also* Tex. R. App. P. 52. In the petition, Wilma complains that respondent, the Honorable Randall Hufstetler, presiding judge of the 300th District Court of Brazoria County, denied part of her requested discovery and her motion for contempt.

The trial court signed a final decree of divorce between Wilma and David Reynolds on May 18, 2009. Wilma appealed the portion of the decree dividing the marital estate to this court. While the appeal was pending, Wilma filed the underlying action seeking

modification of the terms of conservatorship and child support. A partial summary judgment was granted on the claims for the modification of conservatorship and possession, leaving the issue of child support pending. Wilma then served discovery requests on David in connection with the modification action

The trial court conducted a hearing on the objections to discovery on May 4, 2011. Relevant to this proceeding, the trial court ruled that the details of the expenditures shown in David's bank statements could be redacted.

In August 2010, this court issued an opinion and judgment affirming the divorce decree and reversing the trial court's order imposing \$750 sanctions against Wilma; this court remanded the case to the trial court to complete post-judgment discovery. *See Reynolds v. Reynolds*, No. 14-09-00720-CV, 2010 WL 3418209 (Tex. App.—Houston [14th Dist.] Aug. 31, 2010, pet. denied) (mem. op.). This court's mandate issued April 1, 2011. On June 27, 2011, Wilma filed a motion for contempt in the trial court complaining, among other matters, that she had not been reimbursed for the \$750 in sanctions. On July 6, 2011, the trial court denied Wilma's motion for contempt.

In this proceeding, Wilma asks that we direct the trial court to set aside its May 4, 2011, ruling that David could redact expense details from the bank statements requested in Wilma's discovery and order the statements produced without redaction. Wilma also asks that we direct the respondent to enforce this court's judgment reversing the discovery sanction order and order the \$750 repaid.¹

A party is entitled to mandamus relief if a trial court violates a legal duty or abuses its discretion, and the party has no adequate remedy at law. *In re Prudential Ins. Co. of Am.*, 148 S. W.3d 124, 135–36 (Tex. 2004). A trial court abuses its discretion if “it reaches a decision so arbitrary and unreasonable as to amount to a clear and prejudicial error of law.” *Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992). With respect to

¹ We note that our mandamus record contains no order requiring repayment of the \$750 sanction that is subject to enforcement by contempt. This court's judgment in the appeal did not order the funds repaid.

factual issues, matters are committed to the trial court's discretion and the reviewing court may not substitute its judgment for that of the trial court. *Id.* To obtain relief, relator must establish that the trial court reasonably could have reached only one decision. *Id.* at 840.

Relator has not established her entitlement to the extraordinary relief of a writ of mandamus. Accordingly, we deny relator's petition for writ of mandamus.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Anderson and Boyce.