

**Petition for Writ of Mandamus Denied and Memorandum Opinion filed May 5, 2016.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-16-00065-CV**

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**IN RE MARY ANN ROSER, Relator**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
215th District Court  
Harris County, Texas  
Trial Court Cause No. 2014-66926**

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**MEMORANDUM OPINION**

On January 27, 2016, relator Mary Ann Roser filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (West 2004); *see also* Tex. R. App. P. 52. In the petition, Roser asks this court to compel the Honorable Elaine Palmer, presiding judge of the 215th District Court of Harris County, to set aside the January 12, 2016 order granting the motion to compel the deposition of Roser filed by real party in interest Dr. Joel Joselevitz.

Joselevitz sued Carol Roane for breach of a settlement agreement for her statements made to Roser, a journalist, who authored an article that concerned, in part, Joselevitz, which was published in the *Austin American-Statesman*. Joselevitz also sued Cox Media Group, LLC, which owns the *Austin American-Statesman*, for defamation. Joselevitz seeks to take Roser's deposition in connection with his claims against Roane and Cox Media.

Cox Media filed a motion to dismiss Joselevitz's claims against it under the Texas Citizen's Participation Act. *See* Tex. Civ. Prac. & Rem. Code Ann. § 27.003 (West 2015). Cox Media's motion to dismiss was denied by operation of law on April 4, 2016, and Cox Media has appealed the ruling to this court in appellate cause number 14-16-00333-CV. *See* Tex. Civ. Prac. & Rem. Code Ann. §§ 27.005(a), 27.008(a) (West 2015). The trial court's proceedings, including all discovery and Roser's deposition, are stayed pending resolution of the interlocutory appeal. *See* Tex. Civ. Prac. & Rem. Code Ann. § 51.014(b) (West Supp. 2015).

Accordingly, we deny Roser's petition for writ of mandamus without prejudice to refile upon disposition of the appeal of the ruling on Cox Media's motion to dismiss.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Boyce and Wise.