

Petition for Writ of Mandamus Denied and Memorandum Opinion filed May 2, 2017.



In The

Fourteenth Court of Appeals

NO. 14-17-00305-CV

IN RE J.P. MACK INDUSTRIES, LLC, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
190th District Court
Harris County, Texas
Trial Court Cause No. 2014-18902**

MEMORANDUM OPINION

On April 24, 2017, relator J.P. Mack Industries, LLC 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, relator challenges the March 27, 2017 order signed by the Honorable Patricia Kerrigan, presiding judge of the 190th District Court of Harris County.

Relator asserts that the trial court abused its discretion by excluding evidence of relator's claims against real party in interest as a sanction for relator's failure to respond timely to discovery requests. The order does not impose any sanctions, but merely advises relator that failure to respond to the discovery requests would result in the exclusion of evidence of relator's claims against real party in interest. In the absence of the trial court having actually imposed sanctions, relator's request for relief is premature. *See In re Kristensen*, No. 14-14-00448-CV, 2014 WL 3778903, at *7–8 (Tex. App.—Houston [14th Dist.] July 31, 2014, orig. proceeding) (mem. op.).

Relator has not established that it is entitled to mandamus relief. Accordingly, we deny relator's petition for writ of mandamus. We also deny relator's motion to stay.

PER CURIAM

Panel consists of Justices Boyce Jamison, and Brown.