

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



In The

Fourteenth Court of Appeals

NO. 14-17-00323-CV

IN RE GHP NAIL SYSTEMS, LLC D/B/A HAUTE POLISH, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
234th District Court
Harris County, Texas
Trial Court Cause No. 2016-19641**

MEMORANDUM OPINION

On April 25, 2017, relator GHP Nail Systems, LLC d/b/a Haute Polish 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 asks this court to compel the Honorable Wesley Ward, presiding judge of the 234th District Court of

Harris County, to vacate his March 14, 2017 Protective Order and sign the Protective Order proposed by relator.

As the party seeking relief, relator has the burden of providing this court with a sufficient record to establish his right to mandamus relief. *See Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992); Tex. R. App. P. 52.7(a)(1) (relator must file with petition “a certified or sworn copy of every document that is material to the relator’s claim for relief and that was filed in any underlying proceeding”). Therefore, relator has the burden to provide this court with a file-stamped certified or sworn copy of the pleadings which it contends establishes its right to mandamus relief. However, none of the pleadings included in relator’s Appendix are certified or sworn copies.

Further, Texas Rule of Appellate Procedure 52.7(a)(2) requires relator to file with its petition “a properly authenticated transcript of any relevant testimony from any underlying proceeding, including any exhibits offered in evidence, or a statement that no testimony was adduced in connection with the matter complained.” *See* Tex. R. App. P. 52.7. Relator has not provided this court with a reporter’s record of the hearing or hearings in which the trial court considered relator’s requests for relief at issue, or a statement that no testimony was adduced at these hearings.

Further, Texas Rule of Appellate Procedure 52.3(j) provides that “[t]he person filing the petition must certify that he or she has reviewed the petition and concluded that every factual statement in the petition is supported by competent

evidence included in the appendix or record.” *See* Tex. R. App. P. 52.3(j). Relator’s petition does not contain this certification.

Finally, to obtain temporary relief from the court of appeals, a party must comply with the requirements of Texas Rule of Appellate Procedure 52.10, including filing a motion with the required certification of compliance. *See* Tex. R. App. P. 52.10. Although relator’s petition includes a request for temporary relief, relator has not filed a motion requesting such relief that complies with Rule 52.10.

For these reasons, we deny relator’s petition for writ of mandamus.

PER CURIAM

Panel consists of Justices Christopher, Busby, and Jewell.