

**Petition for Writ of Mandamus Denied and Memorandum Opinion filed  
October 30, 2018.**



**In The**

**Fourteenth Court of Appeals**

---

**NO. 14-18-00846-CV**

---

**IN RE ANGELITA GARRETT, Relator**

---

---

**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
61st District Court  
Harris County, Texas  
Trial Court Cause No. 2016-00032**

---

---

**MEMORANDUM OPINION**

On September 28, 2018, relator Angelita Garrett filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (West Supp. 2017); *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the Honorable Fredericka Phillips, presiding judge of the 61st District Court of Harris

County, to vacate her July 31, 2018 order granting Mayra Romero Acosta's motion for reconsideration and motion to exclude the testimony of relator's expert witness, Richard Baratta, PE.

With certain exceptions not in play in this proceeding, to obtain mandamus relief, a relator must show both that the trial court clearly abused its discretion and that the relator has no adequate remedy at law, such as an appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). Relator has not shown that she is entitled to mandamus relief. We therefore deny relator's petition for writ of mandamus.<sup>1</sup>

PER CURIAM

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

---

<sup>1</sup> On October 4, 2018, real party-in-interest Mayra Romero Acosta filed a motion for extension of time to file a response to the petition for writ of mandamus. We deny that motion as moot.