

**Petition for Writ of Mandamus Denied and Memorandum Opinion filed
September 10, 2019.**



In The

Fourteenth Court of Appeals

NO. 14-19-00648-CV

IN RE LIBERTY COUNTY MUTUAL INSURANCE COMPANY, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
334th District Court
Harris County, Texas
Trial Court Cause No. 2018-86095**

MEMORANDUM OPINION

On August 26, 2019, relator Liberty County Mutual Insurance Company filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (Supp.); *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the Honorable Steven Kirkland, presiding judge of the 334th District Court of Harris

County, to vacate his June 11, 2019 order striking the counter-affidavit of Matthew Koeplinger, D.O.

Texas Rule of Appellate Procedure 52.7(a)(2) requires the relator to file with the 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.

Because relator has not provided our court with a transcript of the hearing on the motion to strike the counter-affidavit or a statement that that no testimony was adduced at the hearing in connection with the matter complained, as required by Rule 52.7(a)(2), we deny relator’s petition for writ of mandamus, without prejudice to filing a new petition that complies with Rule 52.7(a)(2).

PER CURIAM

Panel consists of Justices Jewell, Bourliot, and Zimmerer.