

Motion Denied, Petition for Writ of Mandamus Denied, and Memorandum Opinion filed May 5, 2021.



In The

Fourteenth Court of Appeals

NO. 14-21-00228-CV

IN RE SAN JACINTO RIVER AUTHORITY, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
County Civil Court at Law No. 1
Harris County, Texas
Trial Court Cause No. 1139514**

M E M O R A N D U M O P I N I O N

On May 3, 2021, relator San Jacinto River Authority (“SJRA”) filed a petition for writ of mandamus. *See* Tex. Gov’t Code Ann. § 22.221. SJRA asks this Court to order the Honorable George Barnstone, Judge of County Civil Court at Law No. 1 of Harris County, Texas, to set aside his order dated April 13, 2021 requiring SJRA to make Hector Olmos and Mark Forest available for deposition during the week of May 10–14, 2021 (“the Order”). SJRA contends the Order violates Texas Rule of Civil Procedure 193.5(b). Contemporaneously with its petition for writ of

mandamus, SJRA filed an emergency motion to stay the Order. *See* Tex. R. App. P. 52.10.

To obtain mandamus relief, a relator generally must show both that the trial court clearly abused its discretion and that the relator has no adequate remedy by appeal. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). A trial court clearly abuses its discretion if it reaches a decision so arbitrary and unreasonable as to amount to a clear and prejudicial error of law or if it clearly fails to analyze the law correctly or apply the law correctly to the facts. *In re Cerberus Capital Mgmt. L.P.*, 164 S.W.3d 379, 382 (Tex. 2005) (orig. proceeding) (per curiam). The appellate court reviews the trial court's application of the law de novo. *See Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992).

After reviewing the petition for mandamus and the mandamus record, we conclude SJRA has not shown that the trial court abused its discretion with respect to the Order. We deny both SJRA's petition for writ of mandamus and its emergency motion to stay the Order.

PER CURIAM

Panel consists of Chief Justice Christopher and Justices Zimmerer and Hassan.