

*Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio*



MEMORANDUM OPINION

No. 04-09-00567-CV

**IN RE MEDICAL DEPOT, INC. d/b/a DRIVE MEDICAL DESIGN AND
MANUFACTURING**

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Karen Angelini, Justice
Phylis J. Speedlin, Justice
Steven C. Hilbig, Justice

Delivered and Filed: September 23, 2009

PETITION FOR WRIT OF MANDAMUS DENIED

On September 10, 2009, relator filed a petition for writ of mandamus, complaining of the trial court's order denying relator's Second Amended Motion for Leave to Designate Responsible Third Parties. The court is of the opinion that relator is not entitled to the relief sought. Accordingly, the petition for writ of mandamus is DENIED. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM

¹ This proceeding arises out of Cause No. 2008-CI-20945, styled *Linda N. Abramson, Individually and as Sole Heir Representative of the Estate of Roselle Smith, Deceased v. Morningside Ministries d/b/a Morningside Manor Health Care and Medical Design and Manufacturing*, pending in the 57th Judicial District Court, Bexar County, Texas, the Honorable Antonia Arteaga presiding. However, the order complained of was signed by the Honorable Karen Pozza, presiding judge of the 407th Judicial District Court, Bexar County, Texas.