

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



MEMORANDUM OPINION

No. 04-10-00529-CV

IN RE ECTSA INTERNATIONAL, INC. and FIBER MANAGEMENT OF TEXAS

Original Mandamus Proceeding¹


PER CURIAM

Sitting: Catherine Stone, Chief Justice
Karen Angelini, Justice
Steven C. Hilbig, Justice

Delivered and Filed: August 11, 2010

PETITION FOR WRIT OF MANDAMUS DENIED

On July 20, 2010, relators filed a petition for writ of mandamus, seeking to compel the trial court to vacate in part its June 17, 2010 Order Denying Defendant's No Evidence Motion for Summary Judgment and Denying Defendant's Request for Case Management Order. Relators complain the trial court abused its discretion in denying relators' request for a case management order, which relators assert is commonly referred to as a "Lone Pine" scheduling order. *See Lore v. Lone Pine Corp.*, 1986 WL 637507, No. L-33606-85 (N.J. Super. Ct. Law Div. 1986). Relators contend real parties in interest, plaintiffs in the lower court proceeding, have not produced any

¹  This proceeding arises out of Cause No. DC-06-170, styled *Villareal, et al. v. ECTSA International, A Corporation, and Fiber Management of Texas, Inc., A Corporation*, in the 229th Judicial District Court, Starr County, Texas, the Honorable Alex W. Gabert presiding.

specific causation evidence and have made it clear that they do not intend to obtain specific causation evidence. While we acknowledge relators' argument that they are entitled to discovery adequate to show causation, we cannot say that the only order the trial court could have entered was the case management order relators requested. *See generally* TEX. R. CIV. P. 215.1, 215.2, 215.3 (detailing remedies available in discovery disputes). Therefore, we cannot say the trial court abused its discretion in denying the specific case management order relators asked to be entered. *See In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135 (Tex. 2004)(orig. proceeding). Accordingly, the petition for writ of mandamus is DENIED. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM