



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-20-00240-CV

IN RE Richard LARES

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Rebeca C. Martinez, Justice
Beth Watkins, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: May 20, 2020

PETITION FOR WRIT OF MANDAMUS DENIED

On May 6, 2020, relator filed a petition for writ of mandamus in which he asserts the trial court has refused to hear and rule on his pending motion to compel the real party in interest (the “RPI”) to produce certain documents.

Contained in the appendix to relator’s petition is a letter dated April 7, 2020 from the RPI’s attorney to relator and a copy of a proposed order. In the letter, the RPI’s attorney states the trial court heard relator’s motion, as well as other motions, on January 14, 2020 and ruled on the motions. The RPI provided relator with a proposed order and asked relator to sign and return the proposed order if he agreed it reflected the trial court’s ruling. The letter also stated that, if relator

¹ This proceeding arises out of Cause No. 2006-CI-15663, styled *In the Matter of the Marriage of Richard Lares and Martha C. Flores*, pending in the 45th Judicial District Court, Bexar County, Texas, the Honorable Laura Salinas presiding.

did not respond by April 24, 2020, then counsel would set a hearing to ask the trial court to sign the order.

In a failure-to-rule case such as this, relator is required to show, among other things, that a pending motion has not been ruled on by the trial court for an unreasonable period of time. *See In re Mendoza*, 131 S.W.3d 167, 167-68 (Tex. App.—San Antonio 2004, orig. proceeding). Here, apparently no hearing has yet been set to ask the trial court to sign the order; however, less than three weeks have passed since the April 24, 2020 deadline in counsel's letter.² Therefore, we cannot say the trial court has abused its discretion by refusing to sign a written order following the January 14, 2020 hearing.

Accordingly, relator is not entitled to the relief sought and the petition for writ of mandamus is denied. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM

² We are confident the RPI's attorney will set the hearing to obtain a signed order as soon as practical.