

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-11-00153-CV**

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**IN RE PEARL HOLMES, ET AL.**

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**Original Proceeding**

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**MEMORANDUM OPINION**

Relators, a group of over three hundred plaintiffs in a personal injury suit relating to an October 2007 pipeline explosion, have filed a petition for writ of mandamus and motion for temporary relief. *See* Tex. R. App. P. 52.3, 52.10(a). They seek to compel the trial court to vacate the following orders: (1) June 16, 2009, rulings that relators argue compelled overly broad discovery; (2) a January 25, 2010, discovery control plan and scheduling order that relators contend extends the discovery period without good cause; (3) a July 1, 2010, discovery order that relators contend required them to produce medical authorizations that compelled discovery of privileged or confidential medical records; (4) a July 1, 2010, hearing ruling that extended the time for the real party in interest, UCAR

Pipeline Incorporated (“UCAR”), to designate experts; (5) a December 16, 2010, hearing ruling that permitted UCAR to conduct ten depositions after the discovery period expired; (6) a February 23, 2011, order granting a motion for continuance; and (7) a February 23, 2011, order vacating a previous docket control order and setting an October 3, 2011, trial date. On March 8, 2011, the trial court appointed a special master with authority to make recommendations for a docket control order, to require production of evidence, and to rule upon admissibility of evidence. *See* Tex. R. Civ. P. 171. Relators request a writ of mandamus prohibiting further discovery and ordering the trial court to proceed to trial.

Mandamus will issue only to correct a clear abuse of discretion when that abuse cannot be remedied by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004); *Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992). After reviewing the mandamus record and petition, we conclude that the relators have failed to establish an abuse of discretion by the trial court. Accordingly, we deny the petition for writ of mandamus and request for temporary relief.

PETITION DENIED.

PER CURIAM

Opinion Delivered April 5, 2011  
Before McKeithen, C.J., Kreger and Horton, JJ.