

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-15-00136-CV

**IN RE BFI WASTE SERVICES OF TEXAS, LP D/B/A ALLIED WASTE
SERVICES OF BEAUMONT AND KEENAM D. FOLEY**

Original Proceeding

MEMORANDUM OPINION

BFI Waste Services of Texas, LP d/b/a Allied Waste Services of Beaumont and Keenam D. Foley (Relators) filed a petition for writ of mandamus seeking to compel the judge of the 60th District Court of Jefferson County, Texas, to vacate its orders of March 27, 2015, which denied Relators' request to modify the discovery control plan and denied Relators' motion for leave to designate an expert witness, and to compel the trial court to sign an order modifying the discovery control plan and granting leave to designate a medical expert. Relators also filed

motion for an emergency stay of the trial of the case, which is set on the May 2015 trial docket. *See* Tex. R. App. P. 52.10(a).

After reviewing the mandamus petition, record, and the response filed by the real party in interest, Tasha Glasper, we conclude that Relators have failed to establish an abuse of discretion by the trial court for which an appeal would not provide an adequate remedy. *See In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004). Accordingly, we deny the petition for writ of mandamus and we deny the motion for emergency relief. *See* Tex. R. App. P. 52.8(a).

PETITION DENIED.

PER CURIAM

Submitted on April 22, 2015
Opinion Delivered April 23, 2015

Before McKeithen, C.J., Kreger and Johnson, JJ.