

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-18-00431-CV

IN RE RHAME & GORRELL WEALTH MANAGEMENT, LLC

Original Proceeding
284th District Court of Montgomery County, Texas
Trial Cause No. 18-10-13801

MEMORANDUM OPINION

In a mandamus petition, Rhame & Gorrell Wealth Management, LLC, argues the trial court abused its discretion by allowing the real party in interest, Bogart Wealth, LLC, to conduct discovery exceeding the limited discovery trial courts are authorized to permit before ruling on motions to dismiss filed under the Texas Citizen's Participation Act. *See* Tex. Civ. Prac. & Rem. Code Ann. § 27.006(b) (West 2015). Relator requests a stay of the trial court's order allowing one deposition, which requires Rhame & Gorrell to produce a corporate representative

and a list of clients that Bogart Wealth's former employee, George Musselman, contacted after he began working for Rhame & Gorrell. *See* Tex. R. App. P. 52.10(a).

To obtain mandamus relief, Rhame & Gorrell must show the trial court clearly abused its discretion and that it has no adequate remedy by appeal. *See In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding); *Walker v. Packer*, 827 S.W.2d 833, 839–40 (Tex. 1992) (orig. proceeding). On the current record before us, we conclude that Rhame & Gorrell has failed to establish the trial court clearly abused its discretion by ordering the discovery it now seeks to avoid. Accordingly, Rhame & Gorrell's petition for writ of mandamus is denied. *See* Tex. R. App. P. 52.8(a). Its motion for temporary relief is also denied as moot.

PETITION DENIED.

PER CURIAM

Submitted on November 19, 2018
Opinion Delivered November 20, 2018

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