

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-19-00165-CV

IN RE SAGAR PATEL AND AJESHKUMAR PATEL

Original Proceeding
136th District Court of Jefferson County, Texas
Trial Cause No. D-198,082

MEMORANDUM OPINION

Sagar Patel and Ajeshkumar Patel, Relators, filed a Petition for Mandamus and requested a stay of the underlying trial, arguing the trial court abused its discretion by denying their request to exclude the testimony of what they describe as an improperly or late designated witness, and in denying their request to continue trial so Relators' counsel could conduct discovery regarding the testimony and prepare for cross-examination.

A writ of mandamus is an extraordinary remedy that will issue only to correct a clear abuse of discretion for which the relator 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). After considering the petition and accompanying record, we conclude that Relators have not shown that they have no adequate remedy by appeal. Accordingly, we deny the petition for a writ of mandamus and the motion for temporary relief. *See* Tex. R. App. P. 52.8(a).

PETITION DENIED.

PER CURIAM

Submitted on May 31, 2019
Opinion Delivered June 3, 2019

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