



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-16-00394-CV

IN RE STEPHAN HWANG

RELATOR

ORIGINAL PROCEEDING
TRIAL COURT NO. 15-02287-158

DISSENTING MEMORANDUM OPINION¹

I respectfully dissent. Relator alleges that Respondent gave an order in open court for Relator to appear before him on October 24, 2016, to face a contempt hearing if payment had not been made on the assessed sanctions (attorney's fees), and we stayed that proceeding while considering Relator's petition. A trial court has no authority to hold a party in contempt for failing to pay

¹See Tex. R. App. P. 47.4.

attorney's fees assessed as discovery sanctions. See *In re McLaurin*, 467 S.W.3d 561, 564–66 (Tex. App.—Houston [1st Dist.] 2015, orig. proceeding) (granting habeas relief when any imprisonment of relator for either civil or criminal contempt for failure to pay a debt—attorney's fees assessed as sanctions—was void). Therefore, in the interest of conserving judicial resources, I would have requested a response to address the trial court's contempt authority under the circumstances presented by this case to avoid the necessity of addressing this issue in a subsequent original proceeding for habeas corpus relief. Because the majority opinion does not, I dissent.

/s/ Bonnie Sudderth

BONNIE SUDDERTH
JUSTICE

DELIVERED: November 22, 2016