



IN THE  
TENTH COURT OF APPEALS

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No. 10-09-00367-CV

IN RE CAROLINE DURHAM AND BARRY DURHAM

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Original Proceeding

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ORDER DENYING REHEARING

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Relators' motion for rehearing is denied. *See In re Brumbalow*, 281 S.W.3d 718, 719 (Tex. App.—Waco 2009, orig. proceeding) (trial judge has reasonable time to perform ministerial duty of considering and ruling on motion properly filed and before judge, but that duty generally does not arise until movant has brought motion to trial judge's attention, and mandamus will not lie unless movant makes that showing and trial judge then fails or refuses to rule within reasonable time).

PER CURIAM

Before Chief Justice Gray,  
Justice Reyna, and  
Justice Davis

(Chief Justice Gray concurs in the denial of the motion for rehearing but does not join in the apparent limitation thereon to the decision cited in the Court's order. A separate opinion will not be issue.)

Motion for rehearing denied  
Order issued and filed December 16, 2009  
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