

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-16-00420-CV**

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**In re Aaron Browne**

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**ORIGINAL PROCEEDING FROM TRAVIS COUNTY**

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**MEMORANDUM OPINION**

Relator Aaron Browne has filed a petition for writ of mandamus. *See* Tex. R. App. P. 52.1. On June 22, 2016, we granted Browne’s motion for emergency temporary relief and stayed the trial court’s orders dated May 23, 2016, and June 17, 2016, as well as all proceedings, pending further order of this Court. *See id.* R. 52.10. Browne’s petition for writ of mandamus asks this Court to vacate the trial court’s May 23, 2016 and June 17, 2016 orders compelling Browne, a non-party to the underlying suit, to produce his personal federal income-tax returns. We do not address the merits of Browne’s petition, however, because he did not file either written objections or a motion for protective order in response to real party in interest (and plaintiff in the underlying suit) Fine Line Commercial, LLC’s subpoena duces tecum. *See id.* R. 33.1 (requiring complaint to be preserved by timely and specific objection); Tex. R. Civ. P. 176.6(d)-(e). Instead, the defendant in the underlying suit, ATX Painting Company, Inc., filed a motion for protective order, objecting to the request for Browne’s personal federal-income tax return on the ground that it was irrelevant. *See* Tex. R. Civ. P. 176.6(e). Accordingly, Browne has not preserved his complaint about the trial court’s ruling. We

deny his petition for writ of mandamus and lift the stay of the underlying proceedings. *See* Tex. R. App. P. 52.8.

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Cindy Olson Bourland, Justice

Before Chief Justice Rose, Justices Field and Bourland

Filed: July 22, 2016