



**NUMBER 13-08-00557-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**IN RE THE STATE OF TEXAS AND JERRY PATTERSON,  
INDIVIDUALLY AND AS COMMISSIONER OF THE  
TEXAS GENERAL LAND OFFICE**

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**On Petition for Writ of Mandamus.**

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**MEMORANDUM OPINION**

**Before Justices Yañez, Garza, and Vela  
Per Curiam Memorandum Opinion<sup>1</sup>**

Relators, the State of Texas and Jerry Patterson, individually and as Commissioner of the Texas General Land Office, filed a petition for writ of mandamus in the above cause on September 30, 2008, arguing that the trial court abused its discretion in refusing to quash the deposition of Jerry Patterson based on the apex doctrine. *See Crown Cent. Petroleum Corp. v. Garcia*, 904 S.W.2d 125, 128 (Tex. 1995) (orig. proceeding); *see also*

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<sup>1</sup> See TEX. R. APP. P. 52.8(d) ("When denying relief, the court may hand down an opinion but is not required to do so."); TEX. R. APP. P. 47.4 (distinguishing opinions and memorandum opinions).

*In re Alcatel USA, Inc.*, 11 S.W.3d 173, 175 (Tex. 2000) (orig. proceeding). The Court requested and received a response from the real parties in interest, Balli Minerals & Royalty, LLC, and Abogado Minerals, LP. See TEX. R. APP. P. 52.4. Real parties in interest, PI Corporation and Windward Oil & Gas Corporation, did not file a response to the petition for writ of mandamus.

The Court, having examined and fully considered the petition for writ of mandamus and response thereto, is of the opinion that relators have not shown themselves entitled to the relief sought. Accordingly, the petition for writ of mandamus is DENIED. See TEX. R. APP. P. 52.8(a).

PER CURIAM

Memorandum Opinion delivered and filed  
this 24th day of October, 2008.