



NUMBER 13-10-00275-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

**IN RE LUCINDA SANDOVAL, MAGIC VALLEY BEAUTY COLLEGE, INC.
D/B/A UNIVERSITY OF COSMETOLOGY ARTS & SCIENCES
(UCAS), AND SAN ANTONIO BEAUTY COLLEGE, INC.**

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Benavides and Vela
Memorandum Opinion Per Curiam¹**

Relators, Lucinda Sandoval, Magic Valley Beauty College, Inc. d/b/a University of Cosmetology Arts & Sciences (UCAS), and San Antonio Beauty College, filed a petition for writ of mandamus in the above cause on May 10, 2010, seeking to vacate orders of the trial court requiring them to produce their individual and corporate federal tax returns and

¹ 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).

their financial statements. The Court requested a response to the petition for writ of mandamus from the real party in interest, First National Bank, and stayed the discovery orders at issue. Subsequently, the Court granted in part and denied in part “First National Bank’s Motion for Reconsideration and/or Clarification” of this Court’s order granting the stay. The Court also denied relators’ “Emergency Motion to Stay Litigation and Discovery,” which sought to stay the deposition of Lucinda Sandoval, to be held on May 17, 2010, and a discovery hearing to be held on May 18, 2010. Because the mandamus record was unclear, and because the parties’ positions regarding the contested discovery were inconsistent, the Court directed relators to supplement the mandamus record with the reporter’s record of the May 18 hearing and any supplemental or amended rulings to be issued by the trial court.

First National Bank has now filed its response to the petition for writ of mandamus, and relators have filed the supplemental mandamus record as requested. According to the supplemental record, the trial court has issued an amended order eliminating the requirement that relators produce their tax returns, thus narrowing the scope of the discovery ordered to be produced herein.

The Court, having examined and fully considered the petition for writ of mandamus, the response thereto, and the supplemental record, is of the opinion that relators have not shown themselves entitled to the relief sought. *See Peeples v. Honorable Fourth Supreme Judicial Dist.*, 701 S.W.2d 635, 637 (Tex. 1985) (orig. proceeding); *In re Patel*, 218 S.W.3d 911, 916 (Tex. App.–Corpus Christi 2007, orig. proceeding); *El Centro del Barrio, Inc. v. Barlow*, 894 S.W.2d 775, 779 (Tex. App.–San Antonio 1994, orig. proceeding). Accordingly, the stay previously imposed by this Court is LIFTED. *See* TEX. R. APP. P. 52.10(b) (“Unless vacated or modified, an order granting temporary relief is effective until

the case is finally decided.”). The petition for writ of mandamus is DENIED. See *id.*
52.8(a).

PER CURIAM

Delivered and filed the
15th day of June, 2010.