



**NUMBER 13-11-00065-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**IN RE ASTEC UNDERGROUND, INC.**

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**On Petition for Writ of Mandamus.**

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**MEMORANDUM OPINION**

**Before Chief Justice Valdez and Justices Rodriguez and Perkes  
Per Curiam Memorandum Opinion<sup>1</sup>**

Relator, Astec Underground, Inc., filed a petition for writ of mandamus and emergency motion to stay proceedings in the above cause on February 2, 2011, seeking to compel the trial court to withdraw its order of January 31, 2011, as well as its ruling of February 1, 2011, permitting the de-designation of an expert witness.

The Court, having examined and fully considered the petition for writ of mandamus, is of the opinion that relator has not shown itself entitled to the relief sought.

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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).

See *Tom L. Scott, Inc. v. McIlhany*, 798 S.W.2d 556, 558 (Tex. 1990); *In re State Farm Mut. Auto. Ins. Co.*, 100 S.W.3d 338, 340 (Tex. App.–San Antonio 2002, orig. proceeding); *Lopez v. Martin*, 10 S.W.3d 790, 794 (Tex. App.–Corpus Christi 2000, pet. denied); *In re Doctors' Hosp.*, 2 S.W.3d 504, 506 (Tex. App.–San Antonio 1999, orig. proceeding); *Castellanos v. Littlejohn*, 945 S.W.2d 236, 241 (Tex. App.–San Antonio 1997, orig. proceeding). Accordingly, the petition for writ of mandamus and emergency motion to stay proceedings are DENIED. See TEX. R. APP. P. 52.8(a).

PER CURIAM

Delivered and filed the  
3rd day of February, 2011.