



**NUMBER 13-21-00401-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI – EDINBURG**

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**IN RE DONNA M. SHOOK**

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**On Petition for Writ of Mandamus.**

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**MEMORANDUM OPINION**

**Before Justices Benavides, Longoria, and Tijerina  
Memorandum Opinion by Justice Benavides<sup>1</sup>**

On November 17, 2021, relator Donna M. Shook filed a petition for writ of mandamus seeking to compel the trial court to vacate various orders pertaining to discovery. Specifically, relator sought to compel the trial court to vacate its orders overruling relator’s “Objections to Michael W. Arnold’s Subpoena for Production of Documents” and its orders enforcing Arnold’s “Subpoena for Production of Documents,”

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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.”); *id.* R. 47.4 (distinguishing opinions and memorandum opinions).

including its “Order on Motion to Compel Compliance with Subpoena, Amended Order on Motion to Compel Compliance with Subpoena, and Second Amended Order on Motion to Compel Compliance with Subpoena.”

“Mandamus relief is an extraordinary remedy requiring the relator to show that (1) the trial court clearly abused its discretion and (2) the relator lacks an adequate remedy on appeal.” *In re Acad., Ltd.*, 625 S.W.3d 19, 25 (Tex. 2021) (orig. proceeding); see *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36, 138 (Tex. 2004) (orig. proceeding); *Walker v. Packer*, 827 S.W.2d 833, 839–40 (Tex. 1992) (orig. proceeding). “The trial court abuses its discretion by ordering discovery that exceeds that permitted by the rules of procedure.” *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003) (orig. proceeding) (per curiam); see *In re USAA Gen. Indem. Co.*, 624 S.W.3d 782, 787 (Tex. 2021) (orig. proceeding).

The Court, having examined and fully considered the petition for writ of mandamus, the response filed by real party in interest Arnold, and the applicable law, is of the opinion that relator has not met her burden to obtain mandamus relief. In so ruling, we note that the trial court has conducted an in camera review of the documents at issue in this original proceeding; however, those documents have not been filed with this Court. See, e.g., *In re Christus Santa Rosa Health Sys.*, 492 S.W.3d 276, 279 (Tex. 2016) (orig. proceeding) (discussing the procedure regarding in camera review); see also TEX. R. APP. P. 52.3(k), 52.7 (delineating the required contents for the appendix and record in an original proceeding). Based on the record presented here, relator has not established that the documents are privileged or that they lack relevance to the subject matter of the pending

action. See TEX. R. CIV. P. 192.3(a); *In re K & L Auto Crushers, LLC*, 627 S.W.3d 239, 247 (Tex. 2021) (orig. proceeding). Accordingly, we lift the stay previously imposed in this case. 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.”). We deny the petition for writ of mandamus.

GINA M. BENAVIDES  
Justice

Delivered and filed on the  
9th day of December, 2021.