

Denied and Opinion Filed July 24, 2020



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-20-00686-CV

IN RE PHILIP LINDLEY, DDS AND DALLAS INTER-TRIBAL CENTER,
INC. D/B/A URBAN INTER-TRIBAL CENTER OF TEXAS, Relators

Original Proceeding from the County Court at Law No. 5
Dallas County, Texas
Trial Court Cause No. CC-20-01701-E

MEMORANDUM OPINION

Before Chief Justice Burns, Justice Myers, and Justice Evans
Opinion by Justice Myers

Before the Court are relators' July 20, 2020 petition for writ of mandamus and amended emergency motion for relief. In the petition, relators challenge the trial court's order permitting real party in interest to depose a witness after relators filed a motion to dismiss under the Texas Citizens Participation Act.

Entitlement to mandamus relief requires relators to show both that the trial court has clearly abused its discretion and that relators have no adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). After reviewing the petition and mandamus record, we conclude relators have failed to show they are entitled to the relief requested. Accordingly, we

deny relators' petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a). Having denied the petition, we also deny the amended emergency motion as moot.

/Lana Myers/
LANA MYERS
JUSTICE

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