

DENY and Opinion Filed April 20, 2021



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-21-00231-CV

IN RE BURNCO TEXAS, LLC, Relator

**Original Proceeding from the 298th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-20-05488**

MEMORANDUM OPINION

Before Justices Osborne, Pedersen, III, and Goldstein
Opinion by Justice Osborne

Relator's April 9, 2021 petition for writ of mandamus challenges the trial court's order compelling three apex depositions. Entitlement to mandamus relief requires relator to show that the trial court has clearly abused its discretion and that relator has 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 record, we conclude that relator has not demonstrated a clear abuse of discretion. Accordingly, we deny the petition for writ of mandamus. *See* TEX. R. APP. P.

52.8(a). Having denied the petition, we also deny relator's emergency motion for temporary relief as moot.

/Leslie Osborne/

LESLIE OSBORNE
JUSTICE

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