

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-20-00149-CV

IN RE PATRICIA TOWERY

Original Proceeding
284th District Court of Montgomery County, Texas
Trial Court Cause No. 17-03-03389

MEMORANDUM OPINION

Patricia Towery filed a petition for a writ of mandamus to require the trial court to vacate an order compelling post-judgment discovery and requiring Towery to appear for a deposition.¹ Towery claims that compelling her compliance with post-judgment discovery will endanger her health, but she has not shown that she

¹ Towery's appeal of the trial court's judgment is pending in Appeal Number 09-20-00054-CV, *Patricia A. Towery et al. v. Realty Partners, Inc. d/b/a Century 21 Realty Partners*.

requested an accommodation from the trial court. *See* Seventeenth Emergency Order Regarding COVID-19, No. 20-9071, § 3(c) (Tex. May 26, 2020).

Mandamus is a remedy that is available when a trial court clearly abuses its discretion and there is no adequate remedy by appeal. *See In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). Mandamus is not available to compel what may be accomplished by supersedeas. *In re Ng*, No. 09-17-00386-CV, 2017 WL 4848706 (Tex. App.—Beaumont Oct. 27, 2017, orig. proceeding) (mem. op.). The relator has not shown that she is entitled to mandamus relief. *See* Tex. R. App. P. 52.8. Accordingly, we deny the petition for a writ of mandamus. *Id.*

PETITION DENIED.

PER CURIAM

Submitted on June 1, 2020
Opinion Issued June 2, 2020

Before McKeithen, C.J., Horton and Kreger, JJ.