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October 10, 2006

File No. : 25,042

Supreme Court of Texas
P.O. Box 12248
Austin, Texas 78711

Via Lone Star Overnight

Re: CL-05-3167-E; *Jorge Manllo Karim and Teresita S. De Manllo vs Allstate County Mutual Insurance Company, David Gonzalez, et al*; In the County Court at Law No. Five (5) of Hidalgo County, Texas

Instrument(s) **1)** **Correction to Tab P - Per curiam opinion from the 13th Court of Appeals.**

To whom it may concern:

Enclosed herewith please find one (1) original and twelve (12) copies of the above-referenced instrument(s) as correction to Tab P of Appendix to the Petition for Writ of Mandamus for filing at this time. Please acknowledge receipt and filing of same by placing your file mark on the enclosed copy of the instrument(s) and returning same to me via our courier.

As indicated below, opposing counsel are being notified of same.

Thank you for your courtesies and assistance with this matter.

Sincerely,

ROERIG, OLIVEIRA & FISHER, L.L.P.


ROSEMARY CONRAD-SANDOVAL

RCS:mr
Enclosure(s)

cc: Mr. Will Hughes
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County Court Judge, CCL#5
HIDALGO COUNTY COURTHOUSE
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25042

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NELDA V. RODRIGUEZ
ERRLINDA CASTILLO
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Court of Appeals
Thirteenth District of Texas

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September 28, 2006

TO ALL ATTORNEYS OF RECORD:

Re: Cause No. 13-06-00458-CV
Tr.Ct.No. CL-05-3167-E
IN RE: ALLSTATE COUNTY
MUTUAL INSURANCE COMPANY
AND DAVID GONZALEZ

Dear Attorneys:

The relators' petition for writ of mandamus was DENIED WITH MEMORANDUM OPINION. A copy of **the** memorandum opinion is enclosed.

Very truly yours,

Cathy Wilborn
Cathy Wilborn, Clerk

CW:ng

Enc.

cc: Hon. Rosemary Conrad-Sandoval
Hon. Will Hughes
Hon. Scott T. Clark
Hon. Roger W. Hughes
Hon. Arnaldo Cantu, Respondent
County Court at Law No. 5
Eddy Trevino, County Clerk



NUMBER 13-06458-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE: ALLSTATE COUNTY MUTUAL
INSURANCE COMPANY AND DAVID GONZALEZ

On Petition for Writ of Mandamus and
Motion for Emergency Temporary Relief

MEMORANDUM OPINION

**Before Justices Yañez, Rodriguez, and Garza
Memorandum Opinion Per Curiam**

On August 18, 2006, relators, Allstate County Mutual Insurance Company and David Gonzalez, filed a petition for writ of mandamus with this Court in which they allege that on July 19, 2006, the respondent, the Honorable Arnoldo Cantu, Jr., Presiding Judge of the County Court at Law No. 5, of Hidalgo County, Texas, abused his discretion by entering an order granting plaintiffs' motion to compel responses to plaintiffs' interrogatories, requests for admission and requests for production.

Relators' petition for writ of mandamus asks this Court to order the respondent to issue an order denying plaintiffs' motion to compel, or in the alternative, to reconsider his ruling. In addition, relators filed an emergency motion for stay, asking this Court to order a stay of **the trial court's** order granting plaintiffs' motion to compel responses to plaintiffs' interrogatories, requests for admission and requests for production.

This Court stayed the trial court's order in the underlying action and requested a response from the real parties in interest, Jorge Manllo Karim and Teresita S. De Manllo.

Having examined and fully considered the petition for writ of mandamus, the real parties in interest's response, the relators' reply to response, and the real parties in interest's surreply, this Court is of the opinion that **relators** have not shown themselves entitled to the relief sought and the petition for writ of mandamus should be denied.

Accordingly, this Court denies **the** petition and lifts the stay granted on relators' emergency motion. The petition for writ of mandamus is DENIED. See TEX. R. APP. P. 52.8(a).

PER CURIAM

Memorandum Opinion delivered and
filed this the 28th day of September, 2006.