

Order entered February 14, 2019



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

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**No. 05-18-00472-CV**

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**TODD DYER, PHRK INTERVENTION, INC., PHRK INTERVENTION, LLC, AND  
SOUTHSIDE DEVICE, LLC, Appellants**

**V.**

**MEDOC HEALTH SERVICES, LLC AND TOTAL RX CARE, LLC, Appellees**

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**On Appeal from the 14th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-18-00822**

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**ORDER**

Before Justices Whitehill, Molberg, and Reichek

On May 1, 2018, Medoc Health Services, LLC and Total Rx Care, LLC (collectively Medoc) filed an emergency motion in this interlocutory appeal requesting that we lift the automatic stay imposed by section 51.014(b) of the Texas Civil Practice and Remedies Code. Medoc specifically requested we lift the stay to allow (1) the trial court to address appellants Todd Dyer, PHRK Intervention, Inc., PHRK Intervention, LLC, and Southside Device's failure to comply with a temporary restraining order, (2) the parties to conduct "reasonable expedited discovery" pursuant to the trial court's January 31, 2018 order, (3) the trial court to proceed with a hearing on Medoc's application for temporary injunction, (4) Medoc to proceed with claims in the trial court against defendants who have not filed a motion under Chapter 27 of the civil

practice and remedies code, *see* TEX. CIV. PRAC. & REM. CODE ANN. §§ 27.001–.011 (the TCPA), and (5) the trial court to conduct a hearing on whether appellants’ motion under the TCPA was frivolous or filed for purposes of delay. We denied Medoc’s motion on May 11, 2018. On the Court’s own motion, we **VACATE** our May 11, 2018 order.

We **GRANT** Medoc’s motion in part and **LIFT THE STAY** imposed by section 51.014(b) of the civil practice and remedies code for the limited purposes of allowing the trial court to (1) determine new deadlines for the discovery contemplated in its January 31, 2018 order, (2) consider any objections to discovery conducted pursuant to its January 31, 2018 order, and (3) conduct a hearing on Medoc’s application for temporary injunction against all defendants.

In all other respects, Medoc’s motion is **DENIED**.

/s/      **BILL WHITEHILL**  
             **JUSTICE**