

DENY and Opinion Filed April 17, 2023



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

No. 05-23-00332-CV

**IN RE REDBIRD TRAILS APARTMENTS, BRIDGEWAY CAPITAL, LLC
AND NCM MANAGEMENT, LTD., Relators**

**Original Proceeding from the County Court at Law No. 1
Dallas County, Texas
Trial Court Cause No. CC-17-00945-A**

MEMORANDUM OPINION

Before Justices Partida-Kipness, Carlyle, and Garcia
Opinion by Justice Partida-Kipness

Before the Court are relators' April 10, 2023 petition for writ of mandamus and emergency motion for temporary stay of trial. In their petition, relators challenge the trial court's order denying their motion for discovery of documents considered confidential under the Texas Family Code. They complain that the trial court abused its discretion by determining after an in camera inspection that none of the requested documents were relevant.

Relators' burden is to provide this Court with a sufficient record for mandamus review. *See* TEX. R. APP. P. 52.7. This burden requires them "to request that any documents submitted to the trial court for in camera inspection be carried

forward under seal so that the appellate court can evaluate this information.” *In re Barnes*, 655 S.W.3d 658, 668 (Tex. App.—Dallas 2022, orig. proceeding); *see also Leshner v. Coyel*, 435 S.W.3d 423, 431–32 (Tex. App.—Dallas 2014, pet. denied) (noting that if documents have been submitted for in camera inspection, complaining party must request that the exhibits be carried forward under seal so that appellate court can evaluate them).

Here, the mandamus record does not include the records inspected by the trial court in camera, and nothing before us reflects that relators have asked the trial court to carry the documents forward to this Court under seal. We are unable to assess the merits of the petition without them. Accordingly, relators have failed to meet their burden to provide the Court with a sufficient record, and we deny the petition. Having denied the petition, we also deny the emergency motion as moot.

/Robbie Partida-Kipness/

ROBBIE PARTIDA-KIPNESS
JUSTICE

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