

**DENY and Opinion Filed April 27, 2023**



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

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**No. 05-23-00379-CV**

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

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

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**MEMORANDUM OPINION**

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

Before the Court are relators' April 26, 2023 petition for writ of mandamus and emergency motion. In their petition, relators challenge the trial court's order denying their motion for discovery of Texas Department of Family and Protective Services (TDFPS) 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 initially filed a similar petition for writ of mandamus on April 10, 2023. We denied that petition on April 17, 2023, noting that the mandamus record did not include the records inspected by the trial court and that nothing before the

Court reflected that relators had asked the trial court to carry the documents forward to this Court under seal.

In their re-filed petition, relators inform us that the trial court has destroyed the copy of the records it had inspected, but DFPS has printed out another copy of its records for the trial court. Relators thus advise us that they have a pending request for the trial court to forward that printout under seal.

Based on the particular circumstances here, we conclude that even if the trial court were to forward that printout to us, relators have not met their burden of showing that the documents tendered to this Court in camera are the same documents relators tendered to the trial court. *See In re Barnes*, 655 S.W.3d 658, 669 (Tex. App.—Dallas 2022, orig. proceeding). Because the record in an original proceeding is assembled by the parties, this Court strictly enforces the authentication requirements of Texas Rule of Appellate Procedure 52 to ensure the integrity of the record. *Id.*

Accordingly, we deny the petition. Having denied the petition, we also deny the emergency motion as moot.

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/Cory L. Carlyle//  
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CORY L. CARLYLE  
JUSTICE