

DENY and Opinion Filed January 27, 2022



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

No. 05-21-00529-CV

IN RE BMW OF NORTH AMERICA, LLC, Relator

**Original Proceeding from the 14th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-20-02329**

MEMORANDUM OPINION

Before Justices Molberg, Reichel, and Smith
Opinion by Justice Reichel

In this original proceeding, relator complains about the trial court's denial of its request to excuse waived objections to requests for production. Entitlement to mandamus relief requires relator to show that the trial court clearly abused its discretion and that relator lacks an adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding).

Based on our review of the petition for writ of mandamus, real party in interest's response, relator's reply, and the record, we conclude that relator has failed to show its entitlement to the relief requested. *See* TEX. R. APP. P. 52.8(a).

Accordingly, we deny the petition. We also lift the stay issued by this Court's July 1, 2021 order.

/Amanda L. Reichek/
AMANDA L. REICHEK
JUSTICE

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