Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-17-00464-CV

IN RE Davide **PESCA**

Original Mandamus Proceeding[1]

PER CURIAM

Sitting: Marialyn Barnard, Justice
Patricia O. Alvarez, Justice
Irene Rios, Justice

Delivered and Filed: August 2, 2017

PETITION FOR WRIT OF MANDAMUS DENIED

On July 20, 2017, Relator filed a petition for writ of mandamus. The entire record filed by Relator in support of the petition for writ of mandamus consisted of an "Order Granting in Part and Denying in Part Defendant/Counter-Plaintiff's Motion to Compel" dated May 3, 2017, and a document labeled "Ct's Exhibit A." "Ct's Exhibit A" is a spreadsheet showing discovery requests and objections with handwritten notes next to the objections. "Ct's Exhibit A" does not reflect whether it was filed with the trial court, who made the notes on it, nor does Relator refer to the Exhibit in his petition. The May 3 order requires Relator comply with the order no later than May 19, 2017.

[1] This proceeding arises out of Cause No. 2016CI21044, styled *Davide Pesca v. Nice Group USA, Inc.*, pending in the 37th Judicial District Court, Bexar County, Texas, the Honorable Michael E. Mery presiding.

A party seeking mandamus relief bears the burden of providing this court with a record sufficient to establish its right to relief. *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992). The record must include "a certified or sworn copy of every document that is material to the relator's claim for relief and that was filed in any underlying proceeding." TEX. R. APP. 52.7(a)(1). Relator has not provided this court with a record sufficient to establish his claim for relief. Due to the lack of an adequate mandamus record, we are unable to determine whether the trial court abused its discretion. Accordingly, the petition for writ of mandamus is denied. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM