

NO. 04-21-00456-CV

IN RE	§	IN THE COURT OF APPEALS
	§	4th COURT OF APPEALS
SONDRA GROHMAN,	§	SAN ANTONIO, TEXAS
	§	FOR THE FOURTH DISTRICT
	§	MICHAEL A. CRUZ
RELATOR	§	SAN ANTONIO, TEXAS Clerk

**RELATOR’S EMERGENCY MOTION FOR STAY**

TO THE HONORABLE JUSTICES OF SAID COURT:

NOW COMES SONDR A GROHMAN, Relator in the underlying *Petition for Writ of Mandamus* and Movant herein, and files this her *Relator’s Emergency Motion for Stay*, and in support would show as follows:

**I. Request for Relief**

SONDR A GROHMAN requests this Court to immediately stay the deadline for her to complete the compulsory mental examination by November 2, 2021. Further, SONDR A GROHMAN requests this Court to stay the enforceability of the *Order Granting Respondent’s Motion for Mental Examination of Sondra Grohman* entered on October 18, 2021, which forms the basis of this mandamus proceeding.

The *Petition for Writ of Mandamus* has not yet been decided; therefore, Relator requests this Court to immediately stay the deadline

for Relator to submit to a mental examination until her *Petition* may be decided.

## II. Procedural History

Husband filed his Motion for Mental Examination of Sondra Grohman on October 7, 2021 and a hearing was set on October 15, 2021. The trial court entered its *Order Granting Respondent's Motion for Mental Examination of Sondra Grohman* on October 18, 2021. SONDRA GROHMAN filed her *Petition for Writ of Mandamus* concurrently with this motion for emergency relief. The trial court has ordered SONDRA GROHMAN to submit a mental examination on or before November 2, 2021, in violation of Rule 204.1 of the Texas Rules of Civil Procedure and Texas law. [TEX. R. CIV. P. 204.1](#).

The trial court entered the *Order Granting Respondent's Motion for Mental Examination of Sondra Grohman* without any evidence presented on the record to show good cause of any reason why a compulsory examination should be ordered in violation of Sondra Grohman's right to privacy. *See* App. 4.

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### III. Basis of Request

If the Court does not stay the deadline in this matter, SONDRA GROHMAN will be prejudiced from properly pursuing all of her rightful claims in this suit.

This Court has authority to grant emergency relief pending its determination of an original proceeding pursuant to Texas Rule of Appellate Procedure 52.10(b). [Tex. R. App. P. 52.10\(b\)](#).

This emergency stay is necessary to maintain the status quo of the parties and to preserve the Court's jurisdiction to consider the merits of the original proceeding. [In re Reed, 901 S.W.2d 604, 609 \(Tex. App.—San Antonio 1995, orig. proceeding\)](#).

Unless this Court issues orders staying the current deadline, SONDRA GROHMAN will be prejudiced from obtaining mandamus review by this Court.

### IV. Prayer

WHEREFORE, PREMISES CONSIDERED, SONDRA GROHMAN prays this Court grant this *Emergency Motion for Stay*, stay the deadline to submit to a mental examination and report, and such other relief to which she may be entitled.

Respectfully submitted,

***O'NEIL WYSOCKI, P.C.***

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*/s/ Michelle May O'Neil*

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Attorney for SONDRA GROHMAN

## Certificate of Conference

The undersigned hereby certifies that she conferenced with counsel for the real party in interest LARRY WEGNER, H.E. Mendez, and he is opposed to the *Motion*.

*/s/ Michelle May O'Neil*  
**MICHELLE MAY O'NEIL**  
Attorney for SONDR  
GROHMAN

## Certificate of Service

The undersigned hereby certifies that a true and correct copy of this *Relator's Emergency Motion for Stay* was served via e-mail on October 22, 2021, upon the following:

Respondent: Hon. Albert Pattillo  
216<sup>th</sup> Judicial District Judge  
Gillespie County Justice Center  
104 Industrial Loop  
Fredericksburg, Texas 78624  
[cmc@co.kerr.tx.us](mailto:cmc@co.kerr.tx.us)

Counsel for Real Party  
In Interest: H.E. Mendez  
State Bar No. 13932950  
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/s/ Michelle May O'Neil  
**MICHELLE MAY O'NEIL**  
Attorney for SONDR  
GROHMAN

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

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Status as of 10/25/2021 8:29 AM CST

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