

No. \_\_\_\_\_

In The Supreme Court of Texas

Austin, Texas

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In re: Stephanie Lee  
*Relator*

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From the 309th Judicial District Court  
Harris County, Texas  
Trial Court Cause No. 2005-41798

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**MOTION FOR TEMPORARY RELIEF  
OF RELATOR, STEPHANIE LEE**

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*Appellate Counsel for Relator,*  
*Stephanie Lee*

**ORAL ARGUMENT REQUESTED**

## IDENTITY OF PARTIES AND COUNSEL

Pursuant to Texas Rule of Appellate Procedure 52.3(a), Relator, Stephanie Lee, provides the following complete list of all parties, and the names, and addresses of all counsel.

Trial Counsel for Relator, Stephanie Lee:

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Counsel for Real Party in Interest, Benjamin Jay Redus:

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Counsel for State of Texas:

Mr. Rande Herrell (appellate court) and Mr. John Anthony Ramirez (trial court)  
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**TO THE HONORABLE SUPREME COURT OF TEXAS:**

Relator, Stephanie Lee, files this motion for temporary relief in conjunction with her contemporaneously-filed petition for writ of mandamus. Ms. Lee asks this Court to stay the pretrial conference set to commence at 9:00 a.m., on September 16, 2011, in Cause No. 2005-41798 in the 309<sup>th</sup> Judicial District Court of and for Harris County, Texas, and the trial set to commence in that same court at 9:00 a.m., on September 26, 2011. In support thereof, Stephanie Lee would respectfully show this Honorable Court as follows:

On August 19, 2011, Relator, Stephanie Lee, filed her petition for writ of mandamus with the Fourteenth Court of Appeals in Cause No. 14-11-00714-CV. The petition for writ of mandamus complains about the trial court abusing its discretion by refusing to enter final judgment on a mediated settlement agreement. On September 13, 2011, a three-judge panel of the Fourteenth Court of Appeals denied the petition for writ of mandamus. See Lee Petition for Writ of Mandamus at Appendix Tab 1. Counsel for Relator, Stephanie Lee, received the court of appeals' memorandum opinion by mail yesterday afternoon (Wednesday, September 14, 2011).

Stephanie Lee filed her petition for writ of mandamus with this Court today, September 15, 2011. At the pretrial conference in the 309<sup>th</sup> Judicial District Court of and for Harris County, Texas, tomorrow morning— if it is allowed to proceed— Stephanie Lee will be required to have all pleadings filed, exchange witness lists, exchange exhibits, exchange final inventories, have all pretrial motions filed and heard, and be prepared to participate in the conference. Lee Petition for Mandamus Appendix Tab 9. The effort and attorney's fees that would be expended on the further litigation of this matter would otherwise be available for the care, education and other needs of the minor child involved in these proceedings.

If this Court grants the relief sought in the contemporaneously-filed petition for writ of mandamus, all of the effort and money that will be expended on the pretrial conference will have been wasted. Further, the attorney for Real Party In Interest, Benjamin Jay Redus, will need to travel from San Antonio to Houston, Texas, for that hearing, which is also time that could be wasted.

Relator, Stephanie Lee wanted to file this motion earlier. However, her counsel only received the copy of the intermediate appellate court's memorandum opinion denying relief yesterday afternoon.

The undersigned attempted to call both opposing counsel regarding this motion today, Thursday, September 15, 2011. Mr. John Worley in the Texas Attorney General's office stated that his office is merely monitoring this original proceeding and takes no position regarding the relief sought in Stephanie Lee's Petition for Writ of Mandamus or this Motion for Temporary Relief. Unfortunately, the undersigned has not been able to reach Mr. Lawson despite three attempts to do so by telephone and one attempt by email.

WHEREFORE, PREMISES CONSIDERED, Relator, Stephanie Lee prays that the Court stay the pretrial hearing set to commence at 9:00 a.m.,

tomorrow, Friday, September 16, 2011 in the 309<sup>th</sup> Judicial District Court of and for Harris County, Texas, and that the Court stay the trial set to commence on September 26, 2011 at 9:00 a.m., for the reasons set forth in Relator, Stephanie Lee's contemporaneously-filed Petition for Writ of Mandamus.

### **Certification**

Pursuant to Texas Rule of Appellate Procedure 52.10(a), I, Scott Rothenberg, appellate counsel for Stephanie Lee, certify that I made a diligent effort to notify all parties by expedited means (telephone and email) that this motion for temporary relief would be filed.

Respectfully submitted,

LAW OFFICES OF SCOTT ROTHENBERG

      /s/ Scott Rothenberg  
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**APPELLATE COUNSEL FOR  
RELATOR, STEPHANIE LEE**

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion for temporary relief was served via e-service on September 15, 2011, to the following:

**Trial Counsel for Relator, Stephanie Lee:**

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**Counsel for Real Party in Interest, Benjamin Jay Redus:**

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**Trial Court Judge (Respondent):**

Honorable Judge Sheri Y. Dean  
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Houston, Texas 77002  
[sheri\\_dean@justex.net](mailto:sheri_dean@justex.net)

/s/ Scott Rothenberg  
\_\_\_\_\_  
SCOTT ROTHENBERG