

# IN THE SUPREME COURT OF TEXAS

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No. 08-0800  
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IN RE HOUSTON PIPE LINE COMPANY, ET AL., RELATORS

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ON PETITION FOR WRIT OF MANDAMUS  
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## **On Motion for Rehearing**

O'Connor complains on rehearing that our opinion may be misinterpreted to foreclose all pre-arbitration discovery in the underlying case because we have vacated the underlying discovery order and directed the trial court to rule on the pending motion to compel arbitration. O'Connor submits that such an interpretation would conflict with the Court's recognition here that pre-arbitration discovery is permissible when a trial court needs additional information to make its determination regarding the scope of the arbitration provision or other issues of arbitrability. We reiterate that the discovery order below was overbroad and must be vacated, but that the trial court retains discretion to order limited discovery on issues of scope or arbitrability, if necessary. We further reiterate that motions to compel arbitration and any reasonable discovery should be resolved without delay.

O'Connor's motion for rehearing is overruled.

**OPINION DELIVERED:** October 23, 2009.