



Case Summaries September 09, 2022

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OPINIONS

PROCEDURE — TRIAL AND POST-TRIAL

Subpoenas

In re Brown, ___ S.W.3d ___ (Tex. Sept. 9, 2022) [[20-0992](#)]

The issue in this application for writ of mandamus was whether the court of appeals was required to address arguments about the propriety of trial subpoenas under Texas Rule of Civil Procedure 176.

Relator Zach Brown sued FedEx Ground Package System, Inc., alleging injuries resulting from a collision with a FedEx truck. One week before trial, Brown served FedEx with a subpoena commanding the presence of a corporate representative living within 150 miles of the Harris County Courthouse. After the trial court denied FedEx's motion to quash, the court of appeals granted mandamus relief. Brown sought mandamus relief from the Supreme Court of Texas.

The Court granted relief. The court of appeals opinion analyzed Rule 199 but did not address Brown's arguments that Rule 176 provided the authority for such a subpoena. When granting relief in an original proceeding, the court of appeals must hand down an opinion addressing every issue raised and necessary to final disposition. In a per curiam opinion, the Court concluded that the court of appeals was obliged to address Brown's Rule 176 arguments, together with FedEx's other arguments challenging the subpoena.