

Supreme Court of Texas

No. 24-0172

In re State Farm Mutual Automobile Insurance Company
and Betty Genale Thomas,

Relators

On Petition for Writ of Mandamus

PER CURIAM

In this original proceeding, State Farm Mutual Automobile Insurance Co. and Betty Genale Thomas seek mandamus relief from the trial court's rulings (1) denying their motion to sever and abate Victoria Roberts's extracontractual claims while her declaratory-judgment claims on her entitlement to underinsured motorist (UIM) policy benefits are pending and (2) compelling the depositions of State Farm's corporate representative and claims adjuster over proportionality objections raised in their motions to quash.¹

¹ Relators also argue that the trial court abused its discretion by limiting their discovery of medical records from the providers who treated Roberts. But in a letter to the Court, Roberts's counsel now represents that the objections to that discovery will be withdrawn because we conditionally granted mandamus relief in a recent case after considering similar arguments on the same issue. *See In re Liberty Cnty. Mut. Ins. Co.*, 679 S.W.3d 170

Today, in *In re State Farm Mutual Automobile Insurance Co.*, ___ S.W.3d ___, 2025 WL ___ (Tex. Apr. 25, 2025) [23-0755], we address issues that are the same as those raised in this case, as the parties here acknowledge. Specifically, we provide guidance by (1) “establishing an easily administrable sever- or bifurcate-and-abate rule in the UIM context” and (2) applying “a roadmap for how a UIM insurer could support its proportionality concerns” while recognizing that “proportionality complaints are determined on a case-by-case basis.” *Id.* at ___, ___ [slip op. at 21, 24]. With this guidance in mind, the trial court should have an opportunity to revisit its rulings.² *See, e.g., In re Cent. Or. Truck Co.*, 644 S.W.3d 668, 671 (Tex. 2022); *In re Parks*, 631 S.W.3d 700, 700 (Tex. 2021). Accordingly, we deny relators’ petition for writ of mandamus without prejudice to their subsequently seeking the same relief, if necessary.³

OPINION DELIVERED: April 25, 2025

(Tex. 2023); *see also In re State Farm Mut. Auto. Ins. Co.*, ___ S.W.3d ___, ___ n.1, 2025 WL ___ (Tex. Apr. 25, 2025) [23-0755; slip op. at 2-3 n.1].

² The trial court also signed sanction orders that appear to be based, at least in part, on relators’ motions to quash notices to depose them, which they have challenged in a separate mandamus petition: *In re State Farm Mut. Auto. Ins. Co.*, 24-1052. We deny the petition in 24-1052 without prejudice to allow the trial court to reconsider the sanction orders.

³ The same or similar issues were also raised in the following mandamus petitions: *In re State Farm Mut. Auto. Ins. Co.*, Nos. 23-0945, 23-0973, 23-0975, 23-0977, 24-0215, 24-0311, 24-0341, 24-0380, 24-0658, 24-0972; *In re USAA Ins. Agency, Inc.*, No. 24-1032; *In re Progressive Cnty. Mut. Ins. Co.*, No. 25-0126. We likewise deny these petitions without prejudice.