

# Supreme Court of Texas

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No. 20-0602

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In re Oscar Dagoberto Flores and Rivas Trucking Specialty, LLC,  
*Relators*

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On Petition for Writ of Mandamus

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## PER CURIAM

In this mandamus proceeding, Relators Oscar Dagoberto Flores and Rivas Trucking Specialty, LLC, ask us to review the trial court's orders striking controverting affidavits from Paul Strube, D.C., and Michael Gorback, M.D. The counteraffidavits were offered under Texas Civil Practice and Remedies Code Section 18.001 to challenge the reasonableness and necessity of Real Party in Interest Jose Salsedo's alleged medical expenses as set forth in affidavits submitted under Section 18.001. Relators also challenge orders striking and excluding the testimony of Strube and Gorback, as well as Ted Marules, an accident reconstructionist. Relators also seek relief from an order granting Salsedo leave to amend his petition. All the challenged orders were signed on the same day.

The trial court issued its rulings without the benefit of our recent opinion in *In re Allstate Indemnity Co.*, 622 S.W.3d 870 (Tex. 2021). We

believe the trial court should have the opportunity to reconsider its orders in light of that opinion. Accordingly, we deny the petition for writ of mandamus without prejudice to give the trial court that opportunity.

**OPINION DELIVERED:** December 17, 2021