

IN THE SUPREME COURT OF TEXAS

No. 07-0959

IN RE SIMON KIBERU AND HARRIS METHODIST H-E-B HOSPITAL, RELATORS

ON PETITION FOR REVIEW FROM THE
COURT OF APPEALS FOR THE SECOND DISTRICT OF TEXAS

PER CURIAM

This case may involve potential healthcare liability claims. *See* TEX. CIV. PRAC. & REM. CODE ch. 74. The trial court authorized presuit depositions pursuant to Texas Rule of Civil Procedure 202. The court of appeals denied mandamus relief. 237 S.W.3d 445. Without hearing oral argument, *see* Texas Rule of Appellate Procedure 52.8(c), we conditionally grant the writ of mandamus, and direct the court of appeals to withdraw its previous opinion and reconsider relators' petition in light of *In re Jorden*, 249 S.W.3d 416 (Tex. 2008). We are confident the court will comply with our directive, and the writ will issue only if the court fails to do so.

OPINION DELIVERED: August 29, 2008