

Denied and Opinion Filed May 23, 2017



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-17-00404-CV

IN RE ADAM WALKER D/B/A REKLAW DESIGN, Relator

Original Proceeding from the 95th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-16-11962

MEMORANDUM OPINION

Before Justices Lang-Miers, Myers, and Boatright
Opinion by Justice Myers

In this original proceeding, relator Adam Walker d/b/a Reklaw Design complains of the trial court's order granting real party in interest JHD III Consulting, LLC's motion to set aside default judgment and asks the Court to order the trial court to vacate that order.

We have declined to extend merits-based mandamus review to trial court orders setting aside a default judgment. *E.g.*, *In re Rathod*, No. 05-15-01354-CV, 2015 WL 6940134, at *1 (Tex. App.—Dallas Nov. 10, 2015, orig. proceeding) (mem. op.) (declining to extend merits-based mandamus review to order setting aside default judgment); *In re Abrokwa*, No. 05-15-01239-CV, 2015 WL 6520083, at *1 (Tex. App.—Dallas Oct. 28, 2015, orig. proceeding) (mem. op.) (declining to extend mandamus review to order granting new trial following default judgment); *In re Klair*, No. 05-15-00462-CV, 2015 WL 1850907, at *1 (Tex. App.—Dallas Apr. 23, 2015, orig. proceeding) (mem. op.) (same); *see also In re Cort*, No. 14-14-00646-CV, 2014 WL 4416074, at *2 (Tex. App.—Houston [14th Dist.] Sept. 9, 2014, orig. proceeding)

(mem. op.) (declining to extend mandamus review to order granting new trial following post-answer default judgment).

We have similarly, declined to extend merits based mandamus review to trial court orders granting a new trial following a bench trial. *See In re Dixon*, No. 05–15–00242–CV, 2015 WL 1183596, at *1 (Tex. App.—Dallas Mar. 16, 2015, orig. proceeding) (mem. op.) (declining to extend merits based mandamus review to case in which elected judge of the trial court granted new trial following a bench trial to an assigned judge); *In re Foster*, No. 05–15–00179–CV, 2015 WL 682335, at *1 (Tex. App.—Dallas Feb. 18, 2015, orig. proceeding) (mem. op.) (declining to extend mandamus review to order granting new trial following bench trial).

This case does not provide a basis for revisiting those decisions. Accordingly, we deny relator’s petition for writ of mandamus.

/s/Lana Myers/

LANA MYERS
JUSTICE

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