

Denied and Opinion Filed May 23, 2017



In The  
**Court of Appeals**  
**Fifth District of Texas at Dallas**

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No. 05-17-00404-CV

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

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

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**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/  
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LANA MYERS  
JUSTICE

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