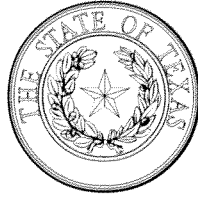


Writ of Mandamus Conditionally Granted in part, Denied in part; Opinion issued  
November 30, 2012.



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

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No. 05-12-01518-CV

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IN RE SHANNON WHALEY, Relator

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Original Proceeding from the 68th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. 10-14604

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**MEMORANDUM OPINION**

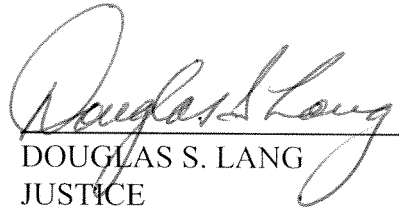
Before Justices Bridges, Lang, and Fillmore  
Opinion by Justice Lang

Relator filed this mandamus proceeding after the trial court issued an order granting a new trial on the issue of real party in interest's attorneys' fees "in light of a verdict in its favor." We conclude the trial court abused its discretion and relator has no adequate remedy by appeal. *See Walker v. Packer*, 827 S.W.2d 833, 839–40 (Tex. 1992) (orig. proceeding). We therefore conditionally grant the writ of mandamus in part.

Trial courts must state specific reasons for refusing to render judgment on a jury verdict and granting a new trial, and the failure to do so is correctable by writ of mandamus. *In re Columbia Med. Ctr.*, 290 S.W.3d 204, 212–15 (Tex. 2009) (orig. proceeding). A general statement such as "in the interest of justice" does not meet the specificity requirement. *In re United Scaffolding, Inc.*, 301 S.W.3d 661, 662 (Tex. 2010) (orig. proceeding). The trial court's statement, "in light of a verdict

in its favor,” similarly does not suffice as an explanation for disregarding the jury’s verdict and ordering a new trial. However, we disagree with relator’s contention that the trial court is required to vacate or set aside its order. *See In re Hunter*, 306 S.W.3d 422, 423 (Tex. App.–Dallas 2010, orig. proceeding) (directing trial court to issue an order specifying reasons for granting new trial).

Accordingly, we conditionally grant relator’s petition for writ of mandamus in part. We direct the trial court to issue an order specifying its reasons for ordering a new trial within thirty days. A writ will issue only in the event the trial court fails to comply. We deny the petition for writ of mandamus to the extent that relator seeks to have the order granting a new trial set aside and judgment rendered on the jury verdict, and to have this Court determine relator’s reasonable attorneys’ fees and costs.

  
DOUGLAS S. LANG  
JUSTICE

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