



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-01259-CV

IN RE PANDALAND HOLDING (HK) LTD, RELATOR

On Appeal from the 44th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-19-05870

MEMORANDUM OPINION

Before Justices Bridges, Osborne, and Carlyle
Opinion by Justice Bridges

In this petition for writ of mandamus, PandaLand Holdings (HK) Ltd. seeks relief from the trial court's order granting Cuallix Consumer Services, Inc.'s motion for new trial. The order granting Cuallix's motion for new trial set aside a summary judgment in PandaLand's favor on its claim for suit on account. PandaLand asserts the trial court "committed reversible error" because it incorrectly applied the *Craddock*¹ standard in granting the new trial and, even if the standard were to apply, Cuallix failed to establish a meritorious defense.

Mandamus review of a trial court's order granting a new trial is limited to orders that are void or set aside a jury verdict. *See In re Toyota Motor Sales, U.S.A., Inc.*, 407 S.W.3d 746, 758 (Tex. 2013); *see also 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 merits-based mandamus review to order setting aside default judgment); *In re Foster*, No. 05-15-00179-CV, 2015 WL

¹ *See Craddock v. Sunshine Bus Lines, Inc.*, 133 S.W.2d 124 (Tex. 1939) (articulating standard for setting aside default judgment).

682335, at *1 (Tex. App.—Dallas Feb. 18, 2015, org. proceeding) (mem. op.) (same – bench trial).

Neither circumstance applies here. Accordingly, we deny the petition.

/David L. Bridges/

DAVID L. BRIDGES
JUSTICE

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