VACATE AND DISMISS and Opinion Filed April 25, 2025

In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-23-01115-CV

BANDAS LAW FIRM, P.C., CHRISTOPHER BANDAS, AND MIKELL WEST, Appellants
V.
MODJARRAD & ASSOCIATES, P.C., D/B/A MODJARRAD, ABUSAAD, SAID LAW FIRM, A/K/A MAS LAW FIRM, AND NAZEH ABUSAAD, Appellees

On Appeal from the 162nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-21-10755

MEMORANDUM OPINION

Before Justices Goldstein and Miskel[1]
Opinion by Justice Miskel

This appeal concerns an order sanctioning a law firm and its attorneys. The trial court issued the sanctions order 102 days after it entered a nonsuit order. We conclude that the nonsuit order operated as a final judgment, the motion for sanctions did not extend the trial court's plenary power, and the trial court, therefore, issued the sanctions order after its plenary power expired. Accordingly, we vacate the sanctions order as void and dismiss this appeal.

1 Chief Justice Robert D. Burns, III was originally a member of this panel, but he did not participate in this opinion because his term expired on December 31, 2024.

I. BACKGROUND

The underlying lawsuit began when Luzmila Torres Jaramillo sued her former law firm, her former attorney, and another individual for barratry, alleging they illegally solicited employment to represent her shortly after she was injured in a motor-vehicle accident. Eventually, Jaramillo nonsuited the case. Thereafter, the former law firm and attorney sought and obtained an order sanctioning Jaramillo's current law firm and attorneys for, among other things, having filed the lawsuit without reasonably investigating its legal and factual basis and engaged in improper litigation tactics. The sanctioned attorneys and law firm appealed the order. We now review the factual and procedural background relevant to resolving this appeal.

A. On behalf of Jaramillo, the Bandas Law Firm files a barratry lawsuit against the MAS Law Firm.

In the barratry action, Jaramillo was represented by appellants Bandas Law Firm, P.C., Christopher Bandas, and Mikell A. West (collectively, the Bandas Law Firm). On behalf of Jaramillo, the Bandas Law Firm filed the barratry action against Jaramillo's former law firm, appellee Modjarrad & Associates, P.C., d/b/a Modjarrad, Abusaad, Said Law Firm, a/k/a MAS Law Firm, and her former attorney, appellee Nazeh Abusaad (collectively, the MAS Law Firm). Jaramillo also sued Alejandro Castillo, whom she alleged had a business relationship with the MAS Law

Firm and participated in the alleged barratry scheme. Castillo[2] was never served, did not appear in the lawsuit, and is not a party to this appeal.

B. The MAS Law Firm files and later withdraws an original motion for sanctions against the Bandas Law Firm.

Less than two weeks after filing a general denial, the MAS Law Firm moved for sanctions against the Bandas Law Firm, alleging the barratry action was legally and factually groundless and brought in bad faith and for the purposes of harassment. The motion asked the trial court to strike the petition, dismiss the case with prejudice, award attorneys' fees and costs incurred defending the lawsuit, and impose monetary sanctions. Nearly five months later, the MAS Law Firm also moved for no-evidence summary judgment. Shortly thereafter, the Bandas Law Firm filed responses to the motion for no-evidence summary judgment and the motion for sanctions. It also filed a motion to compel the MAS Law Firm to respond to discovery.

The motion for sanctions, the motion for no-evidence summary judgment, and the motion to compel discovery were all set to be heard. At the MAS Law Firm's request, the parties agreed to reschedule the hearing, but the MAS Law Firm never reset its motion for sanctions or motion for no-evidence summary judgment. At a subsequent hearing on the motion to compel discovery, counsel for the MAS Law Firm stated on the record that he "took down" the motion for sanctions and motion

2 An Alejandro Castillo was served and filed an answer, but not the same Alejandro Castillo as was alleged to have been involved in the alleged barratry scheme.

for no-evidence summary judgment after receiving some discovery responses and the response to the motion for no-evidence summary judgment.

C. Jaramillo nonsuits her claims against the MAS Law Firm.

Over the next eleven-plus months, the parties continued to litigate the case, eventually leading to a discovery dispute regarding Jaramillo's deposition. On March 27, 2023, the trial court issued an order compelling Jaramillo to appear and testify in person for a deposition in Dallas County within thirty days or else the case would be dismissed. Twenty-nine days later, Jaramillo filed a notice of nonsuit as to all defendants, later explaining that she had left the country and was unable to return and comply with the order. Three days later, on April 28, 2023, the trial court issued an order granting the nonsuit and dismissing Jaramillo's claims without prejudice.

D. The MAS Law Firm files an amended motion for sanctions against the Bandas Law Firm within thirty days of nonsuit order.

On May 19, 2023, twenty-one days after the nonsuit order, the MAS Law Firm filed an amended motion for sanctions. This motion largely tracked the original motion but added some new allegations based on what had transpired since the original motion nearly two years prior. It also added Mike Ticer and the Law Offices of Mark Ticer (collectively, Ticer), an attorney and law firm that had joined as local counsel in representing Jaramillo, as additional parties from whom the MAS Law Firm sought sanctions. The amended motion asked for an order awarding the MAS Law Firm's attorneys' fees and costs, an order compelling the Bandas Law Firm and

Ticer to pay monetary sanctions, and an order compelling the Bandas Law Firm and Ticer to pay such amounts jointly and severally.

The amended motion instigated several new filings, including a motion to dismiss from the Bandas Law Firm and special exceptions and a response from Ticer. The MAS Law Firm then also supplemented the amended motion for sanctions with a chart showing which attorney signed each of Jaramillo's filings. On August 4, 2023, the trial court conducted a hearing on the amended motion for sanctions.

E. The trial court issues sanctions order 102 days after nonsuit order.

On August 8, 2023, the trial court signed an order finding that the Bandas Law Firm violated Texas Rule of Civil Procedure 13 and Chapter 10 of the Civil Practices and Remedies Code in various respects and ordering the Bandas Law Firm to pay $239,864.91 as sanctions, fees, and costs incurred, along with additional conditional amounts as fees and costs incurred for any subsequent appeal to a court of appeals or the Texas Supreme Court. The order did not sanction Ticer. The order did not make any modification to the nonsuit order. It included a Mother Hubbard clause and expressly stated that "This Order shall serve as a Final Judgment, given the prior Order granting Plaintiff's non-suit."

F. The Bandas Law Firm appeals the sanctions order.

After unsuccessfully pursuing a request for findings of fact and conclusions of law, a motion to set aside the judgment, and a motion for new trial, the Bandas

Law Firm timely noticed an appeal from the sanctions order. On appeal, the Bandas Law Firm raises five issues:

(1) the trial court abused its discretion in entering sanctions without adequately specifying the sanctionable conduct committed and without legally or factually sufficient evidence,

(2) the trial court failed to file any findings of fact or conclusions of law,

(3) the trial court abused its discretion in entering sanctions based on clearly erroneous factual findings and legal conclusions,

(4) the trial court lacked jurisdiction to enter sanctions because it did so outside its plenary power, and

(5) the trial court abused its discretion in awarding excessive attorneys' fees.

Finding issue four dispositive, we start and end with that issue.

II. APPLICABLE LAW AND STANDARD OF REVIEW

"Subject-matter jurisdiction is essential to a court's power to decide a case." *City of Houston v. Rhule*, 417 S.W.3d 440, 442 (Tex. 2013). Accordingly, "a court is duty-bound to determine its jurisdiction regardless of whether the parties have questioned it." *In re City of Dallas*, 501 S.W.3d 71, 73 (Tex. 2016) (orig. proceeding) (per curiam). We review questions of subject-matter jurisdiction de novo. *Sw. Elec. Power Co. v. Lynch*, 595 S.W.3d 678, 682 (Tex. 2020).

A trial court's authority to impose sanctions is limited to when it has plenary power. *Scott & White Mem'l Hosp. v. Schexnider*, 940 S.W.2d 594, 596 (Tex. 1996) (per curiam). After a final judgment, a trial court retains plenary power only for the next thirty days unless it vacates, modifies, corrects, or reforms the judgment during

that thirty-day period or unless a party timely files a motion that extends the trial court's plenary power, such as a motion for new trial or a motion to modify, correct, or reform a judgment. *See* TEX. R. CIV. P. 306a(1), 329b. When a motion to modify, correct, or reform a judgment is timely filed, the trial court's plenary power to grant the motion is extended until thirty days after the motion is overruled, either by written order or by operation of law seventy-five days after the judgment was signed, whichever comes first. *See* TEX. R. CIV. P. 329b(c), (e), (g). This means that, so long as the judgment is not vacated or modified, the trial court's plenary power expires a minimum of 30 days and a maximum of 105 days after the judgment was signed. *See, e.g.*, *LM Healthcare, Inc. v. Childs*, 929 S.W.2d 442, 444 (Tex. 1996).

A trial court loses jurisdiction of a cause once its plenary power expires. *Jackson v. Van Winkle*, 660 S.W.2d 807, 808 (Tex. 1983). A trial court must have jurisdiction to act or its acts are void. *State v. Olsen*, 360 S.W.2d 398, 399 (Tex. 1962, orig. proceeding). An order signed after the trial court's plenary power expires is void. *See* TEX. R. CIV. P. 329b(f); *In re Elizondo*, 544 S.W.3d 824, 829 (Tex. 2018) (orig. proceeding) (per curiam).

III. ANALYSIS

At the threshold, we must determine whether the trial court had jurisdiction to issue the sanctions order before we review its merits. *See City of Dallas*, 501 S.W.3d at 73. If the trial court lacked jurisdiction to order sanctions, then our jurisdiction is limited to setting aside the order and dismissing the appeal. *See Wallace v. Wallace*,

No. 05-17-00447-CV, 2017 WL 4479653, at *3 (Tex. App.—Dallas Oct. 9, 2017, no pet.) (mem. op.) (also citing *Pearson v. State*, 315 S.W.2d 935, 938 (Tex. 1958)).

In this case, the trial court issued the sanctions order more than 30 but less than 105 days after the nonsuit order. So, to determine whether the trial court had jurisdiction to issue the sanctions order, we must review two issues. The first is whether the trial court's nonsuit order is a final judgment. The second is whether the MAS Law Firm's amended motion for sanctions constitutes a rule 329b(g) motion to modify, correct, or reform the judgment that extends the trial court's plenary power. The trial court lacked jurisdiction to issue the sanctions order only if the nonsuit order is a final judgment and the amended motion does not constitute a rule 329b(g) motion.

A. The nonsuit order is a final judgment.

Both sides expressly agree that the nonsuit order was a final judgment. The post-judgment motion for sanctions itself states that the plenary power period began to run as of the date of the nonsuit order, impliedly conceding the order was a final judgment. But because this conclusion is a necessary predicate to the trial court's jurisdiction to issue the sanctions order, we must independently confirm it. *See Lynch*, 595 S.W.3d at 683; *City of Dallas*, 501 S.W.3d at 73.

A final judgment necessarily disposes of all parties and all claims to a case. *Patel v. Nations Renovations, LLC*, 661 S.W.3d 151, 154 (Tex. 2023) (orig. proceeding) (per curiam). Courts will deem a judgment without trial, such as an order

of nonsuit, to be final when (1) it actually disposes of every pending claim and party or (2) it clearly and unequivocally states that it finally disposes of all claims and parties, even if it does not actually do so. *In re C.K.M.*, No. 24-0267, 2025 WL 807353, at *2 (Tex. Mar. 14, 2025) (per curiam). A reviewing court should begin by determining whether the order or judgment at issue is clearly and unequivocally final on its face. *Id.*; *Patel*, 661 S.W.3d at 154. If the order is not clear and unequivocal, the reviewing court will look to the record to see if it actually disposes of all parties and all claims. *Patel*, 661 S.W.3d at 154 n.4 (citing *Elizondo*, 544 S.W.3d at 827).

1. The nonsuit order is not clearly and unequivocally final on its face.

The trial court's April 28, 2023 order on plaintiff's notice of nonsuit stated that "Jaramillo's claims against [the MAS Law Firm] and Alejandro Castillo be Non-Suited without prejudice and that all costs of Court incurred are taxed against the party incurring the same." An order of nonsuit "does not necessarily dispose of any cross-actions, such as a motion for sanctions, unless specifically stated within the order." *Crites v. Collins*, 284 S.W.3d 839, 840 (Tex. 2009) (per curiam); *see also* TEX. R. CIV. P. 162 ("Any dismissal pursuant to this rule shall not prejudice the right of an adverse party to be heard on a pending claim for affirmative relief [and] shall have no effect on any motion for sanctions, attorney's fees or other costs, pending at the time of dismissal, as determined by the court."). The April 28, 2023 nonsuit order does not specifically mention any cross-actions or pending claims. Nor does it expressly describe the trial court's action as (1) final, (2) a disposition of all claims

and parties, and (3) appealable. *See Patel*, 661 S.W.3d at 154–55. As such, we conclude that the nonsuit order is not clearly and unequivocally final on its face and, therefore, cannot be deemed a final judgment on that first basis. *Cf. id.*

2. The nonsuit order actually disposed of all pending claims and parties.

A review of the record, however, shows that the nonsuit order actually disposed of all pending claims and parties. The nonsuit order dismissed all of Jaramillo's claims without prejudice. Castillo never asserted any of his own claims for affirmative relief, having never appeared in the case. The only remaining party was the MAS Law Firm. Therefore, the only claims still pending at the time of the nonsuit order, if any, would have been asserted by the MAS Law Firm.

Before the nonsuit order, the MAS Law Firm never pleaded any counterclaim, crossclaim, or third-party claim. It did, however, assert one claim for affirmative relief against Jaramillo's attorneys: almost immediately after answering the lawsuit, the MAS Law Firm moved for sanctions against the Bandas Law Firm. However, the record establishes that the MAS Law Firm unequivocally withdrew its motion for sanctions well before the nonsuit order and, therefore, the motion was not pending at the time of dismissal.

After the parties cancelled the hearing on the MAS Law Firm's motion for no-evidence summary judgment, the MAS Law Firm's motion for sanctions, and Jaramillo's motion to compel discovery, only Jaramillo's motion to compel discovery was rescheduled. At the April 15, 2022 hearing on the motion to compel

discovery, the MAS Law Firm stated on the record that it "took the motions down," referencing both the no-evidence motion for summary judgment and the sanctions motion, after it had received Jaramillo's discovery responses and response to the motion for no-evidence summary judgment. The MAS Law Firm went on to explain that it no longer sought the relief requested in either motion, conceding that an order granting the relief requested under either motion could not be defended on appeal.

We conclude that the MAS Law Firm's on-the-record stipulations establish that it withdrew, orally nonsuited,[3] or abandoned its motion for sanctions. Indeed, the MAS Law Firm did not contradict those representations from the Bandas Law Firm's statement of facts in its appellate brief. *See* TEX. R. APP. P. 38.1(g) ("In a civil case, the court will accept as true the facts stated unless another party contradicts them."). The MAS Law Firm did not revive its motion for sanctions or otherwise assert any other claim for affirmative relief before the nonsuit order. There was no other pending claim for affirmative relief at the time of the nonsuit order, so we conclude that the nonsuit order actually disposed of all parties and all claims and constitutes a final judgment.

3 "Granting a nonsuit is a ministerial act, and a [movant's] right to a nonsuit exists from the moment . . . an oral motion is made in open court . . . ." *In re Greater Hous. Orthopaedic Specialists, Inc.*, 295 S.W.3d 323, 325 (Tex. 2009) (orig. proceeding) (per curiam).

B. The amended motion for sanctions did not extend the trial court's plenary power.

A final judgment starts the clock for when a trial court loses its plenary power. *Patel*, 661 S.W.3d at 152. In the case of a dismissal by nonsuit, although a party's notice of nonsuit is effective when filed, the date on which the trial court signs an order dismissing the case is the starting point for determining when a trial court's plenary power expires. *Univ. of Tex. Med. Branch at Galveston v. Estate of Blackmon ex rel. Shultz*, 195 S.W.3d 98, 100 (Tex. 2006). In this case, the trial court signed the nonsuit order on April 28, 2023. Therefore, the trial court's plenary power expired on May 29, 2023,[4] unless before that date the trial court vacated or revised its judgment or a party filed a plenary-power-extending motion. The only event that occurred between April 28, 2023, and May 29, 2023, was on May 19, 2023, when the MAS Law Firm filed its amended motion for sanctions. Therefore, we must decide whether this motion extended the plenary power period.[5]

1. A post-judgment motion for sanctions does not extend plenary power unless it expressly seeks a substantive change in the existing judgment.

A motion to modify, correct, or reform a judgment that extends the trial court's plenary power under rule 329b(g) must "specify the respects in which the judgment should be modified, corrected, or reformed." TEX. R. CIV. P. 329b(g). A

4 The thirtieth day fell on May 28, 2023, a Sunday. So, the last day of plenary power ran until the end of the next day that is not a Saturday, Sunday, or legal holiday. *See* TEX. R. CIV. P. 4.

5 We limit our discussion to post-judgment motions for sanctions that are based on prejudgment conduct. Our opinion does not address post-judgment enforcements or other motions based on conduct occurring after the judgment.

motion for sanctions that specifically requests modifications to the existing final judgment satisfies this requirement: "A timely filed postjudgment motion to incorporate sanctions into a new final judgment qualifies under Rule 329b(g)" to extend the trial court's plenary power. *Lane Bank Equip. Co. v. Smith S. Equip., Inc*., 10 S.W.3d 308, 313 (Tex. 2000). In *Lane*, the post-judgment motion for sanctions expressly requested the "rendition of a new final judgment in the case" and thus qualified as a rule 329b(g) motion to modify because it "sought to change the court's June 5th judgment by adding an award of attorney's fees as a sanction for frivolous litigation." *Id.* at 310, 312.

A sanctions order is not required to be included in a final judgment. *See id*. at 312; s*ee also Sheller v. Goldstein Faucett & Prebeg, LLP*, 653 S.W.3d 301, 305 (Tex. App.—Houston [14th Dist.] 2022, no pet.) ("[A]n award of sanctions might result in a stand-alone order or it might result in a modification to the final judgment."); *cf. Nnaka v. Mejia*, No. 01-18-00779-CV, 2020 WL 425126, at *3–4 (Tex. App.—Houston [1st Dist.] Jan. 28, 2020, no pet.) (mem. op.) (holding that the final judgment and the standalone sanctions order were separately appealable and that noticing an appeal from the sanctions order did not preserve an appeal from the separate final judgment). Because post-judgment sanctions may be awarded either in a modified judgment or a standalone order, a post-judgment motion for sanctions does not necessarily satisfy the requirement that a rule 329b(g) motion must specify the respects in which the judgment should be modified.

Lane did not squarely decide whether a post-judgment motion requesting a standalone sanctions order, rather than a modification to the judgment, extends the trial court's plenary power under rule 329b(g). However, *Lane* cited several courts of appeals, beginning with our Court's opinion in *Brazos Electric Cooperative, Inc. v. Callejo*, 734 S.W.2d 126, 128 (Tex. App.—Dallas 1987, no writ), which concluded that, to qualify as a rule 329b(g) motion, the post-judgment motion "must seek to substantively change the existing judgment." *Lane*, 10 S.W.3d at 312 & n.2. The *Lane* court also explained that "only a motion seeking a substantive change will extend the appellate deadlines and the court's plenary power under Rule 329b(g)." *Id*. at 313. Then-Justice Hecht's concurrence likewise understood *Lane*'s majority opinion to mean that "if the motion had not expressly requested a change in the judgment itself, but had merely requested sanctions that could have been imposed by a separate order, the motion would not have extended the court's plenary power." *Id*. at 319 (Hecht, J., concurring).

Less than three weeks after *Lane* was decided, this Court construed *Lane* to mean that a post-judgment motion for sanctions may extend the trial court's plenary power, but only if it seeks to add the award of sanctions to an existing judgment. *See Gillis v. Wal-Mart Stores, Inc.*, No. 05-97-02070-CV, 2000 WL 49353, at *1 (Tex. App.—Dallas Jan. 24, 2000, no pet.) (not designated for publication). The *Gillis* court cited *Lane* for the conclusion that "[a]lthough the motion for sanctions specifically requested the trial judge issue an order of sanctions, it did not request

any change in the judgment. Because the motion for sanctions in this case was not a motion to modify, correct, or reform the judgment, it did not extend the trial court's plenary jurisdiction." *Id*. Though not binding precedent, *see* TEX. R. APP. P. 47.7(b),[6] we find it instructive.

The first case of precedential value from this Court that applied *Lane* in this context was *Kenseth v. Dallas County*, 126 S.W.3d 584, 600 n.13 (Tex. App.—Dallas 2004, pet. denied). Although not critical to its decision because another party had moved for a new trial, this Court concluded that, under *Lane*, a post-judgment motion for sanctions must request a substantive change to the final judgment to

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6 Over the next three years, this Court issued four additional unpublished opinions touching this subject, with inconsistent results:

- *Xu v. Mao*, No. 05-01-01135-CV, 2002 WL 31388732, at *2–3 & n.3 (Tex. App.—Dallas Oct. 24, 2002, no pet.) (not designated for publication) (prejudgment motion for sanctions could not qualify as a rule 329b(g) motion to modify because, among other reasons, it did not expressly suggest a change in the judgment);
- *Clark v. Bula*, No. 05-01-00887-CV, 2002 WL 1371195, at *2–3 (Tex. App.—Dallas June 26, 2002, no pet.) (not designated for publication) (concluding that motion for sanctions was a rule 329b(g) motion to modify the judgment without discussion of whether the motion requested any change in the judgment);
- *Jordan v. Elrod*, No. 05-98-02046-CV, 2001 WL 856238, at *2–3 (Tex. App.—Dallas July 30, 2001, no pet.) (not designated for publication) (citing *Lane* for the proposition that "any entry of a sanctions order after judgment would be a change in the final judgment [and, thus], entry of sanctions after judgment while the trial court retains plenary jurisdiction is a change in the judgment that will restart the appellate timetables");
- *Helton v. Willner*, No. 05-99-00019-CV, 2000 WL 626763, at *2 (Tex. App.—Dallas May 16, 2000, no pet.) (not designated for publication) (concluding that a post-judgment motion for sanctions requesting the trial court "to enter judgment against [a party] and award [the movant] post-judgment interest and attorney's fees" constituted a rule 329b(g) motion to modify on its face).

As with *Gillis*, all these pre-2003 unpublished opinions lack precedential value. *See* TEX. R. APP. P. 47.7(b).

qualify as a rule 329b(g) motion to modify the judgment. *Id.* at 591–92, 599–600 & n.13.

In 2010, this Court decided *Hinton v. City of Garland*, No. 05-09-00069-CV, 2010 WL 3002434, at *2 (Tex. App.—Dallas Aug. 3, 2010, no pet.) (mem. op.), which the MAS Law Firm relies on in support of its argument that its amended motion for sanctions extended the trial court's plenary power. *Hinton* concluded that the post-judgment motion for sanctions at issue constituted a rule 329b(g) motion to modify and extended the trial court's plenary power, stating without elaboration that "[a] motion for sanctions filed within the thirty-day period constitutes a timely-filed motion to modify the judgment under rule 329b(g) for purposes of extending the trial court's plenary powers." *Id.* at *2. A review of the record from *Hinton* shows that the motion at issue did expressly request specific modifications to the existing judgment. And *Hinton* supported its general statement by citing *Lane* with a parenthetical explaining that a "motion made after judgment *to incorporate sanction as part of final judgment* proposes change to judgment and is, on its face, motion to modify, correct, or reform existing judgment within meaning of rule 329b(g)." *Id.* (emphasis added). This is consistent with our interpretation of *Lane*.

Most recently, and less than four months after *Hinton*, this Court decided *Miranda v. Wilder*, No. 05-09-00976-CV, 2010 WL 4612082, at *1 (Tex. App.—Dallas Nov. 16, 2010, no pet.) (mem. op.). In *Miranda*, this Court reviewed whether, under *Lane*, a post-judgment motion that included a request for a standalone

sanctions order constituted a plenary-power-extending rule329b(g) motion to modify the judgment. *Id.* at *1–2. *Miranda* held that because the motion "did not seek modification, correction, or reformation of the trial court's judgment and did not otherwise request a substantial change of the trial court's judgment," the motion "did not extend the appellate deadlines or the trial court's plenary power under rule 329b(g)." *Id.* at *2.

Based on the text of rule 329b(g), the supreme court's opinion in *Lane*, and this Court's applicable precedents construing them, we conclude that a post-judgment motion for sanctions may qualify as a plenary-power-extending rule 329b(g) motion to modify the judgment, but only if the motion for sanctions specifically requests a substantive change in the existing judgment.

2. The MAS Law Firm's amended motion for sanctions did not expressly seek a substantive change in the existing judgment.

In this case, the MAS Law Firm's amended motion for sanctions largely tracked its original, prejudgment motion for sanctions. Broadly speaking, the amended motion (1) updated the alleged sanctionable conduct to include events after the filing of the original petition and through the time of nonsuit and (2) added Ticer as an additional party from whom the MAS Law Firm sought sanctions.

As to the requested relief, the MAS Law Firm specifically requested (1) an order awarding it attorneys' fees and costs incurred defending the lawsuit and preparing the motion for sanctions, (2) an order compelling the Bandas Law Firm and Ticer to pay monetary sanctions, and (3) an order compelling the Bandas Law

Firm and Ticer to pay such amounts jointly and severally. On its face, the motion requests a standalone sanctions order. None of these requests mention the final judgment—the nonsuit order dismissing Jaramillo's claims without prejudice. They do not "specify the respects in which the judgment should be modified" or expressly seek any change to the existing final judgment. *See* TEX. R. CIV. P. 329b(g). They even track requests that were made in the original motion for sanctions, before there was a judgment to modify. In fact, the amended motion removed an additional request to issue an order dismissing the case with prejudice that had been included in the original motion. We conclude that the MAS Law Firm's amended motion for sanctions therefore does not constitute a rule 329b(g) motion to modify the judgment, and it did not extend the trial court's plenary power.

IV. CONCLUSION

Having concluded that the April 28, 2023 nonsuit order is a final judgment and that the MAS Law Firm's amended motion for sanctions did not extend the trial court's plenary power, we further conclude that the trial court's plenary power expired on May 29, 2023.[7] The trial court's August 8, 2023 sanctions order is, therefore, void. Because the trial court did not have jurisdiction to issue the order, this court does not have jurisdiction to consider the merits of the appeal.

7 *See* n.4, *supra*.

Accordingly, we vacate the August 8, 2023 sanctions order and dismiss this appeal for lack of jurisdiction.

/Emily Miskel/
EMILY MISKEL
JUSTICE

Court of Appeals
Fifth District of Texas at Dallas

JUDGMENT

BANDAS LAW FIRM, P.C., CHRISTOPHER BANDAS, AND MIKELL WEST, Appellants

No. 05-23-01115-CV V.

MODJARRAD & ASSOCIATES, P.C., D/B/A MODJARRAD, ABUSAAD, SAID LAW FIRM, A/K/A MAS LAW FIRM, AND NAZEH ABUSAAD, Appellees

On Appeal from the 162nd Judicial District Court, Dallas County, Texas
Trial Court Cause No. DC-21-10755.
Opinion delivered by Justice Miskel.
Justice Goldstein participating.

In accordance with this Court's opinion of this date:

We **VACATE** the trial court's August 8, 2023 sanctions order and **DISMISS** this appeal for lack of jurisdiction.

We **DIRECT** the Dallas County Clerk to immediately release to appellants BANDAS LAW FIRM, P.C., CHRISTOPHER BANDAS, AND MIKELL WEST all supersedeas deposits and arrangements made in connection with this appeal.

It is **ORDERED** that appellants BANDAS LAW FIRM, P.C., CHRISTOPHER BANDAS, AND MIKELL WEST recover their costs of this appeal from appellees MODJARRAD & ASSOCIATES, P.C., D/B/A MODJARRAD, ABUSAAD, SAID LAW FIRM, A/K/A MAS LAW FIRM, AND NAZEH ABUSAAD.

Judgment entered this 25th day of April, 2025.