



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-17-00291-CV**

IN RE MICHAEL KHAZZAM

RELATOR

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ORIGINAL PROCEEDING  
TRIAL COURT NO. 236-271381-14

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**MEMORANDUM OPINION<sup>1</sup>**

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Relator Michael Khazzam seeks a writ of mandamus directing Respondent, the Honorable Thomas Wilson Lowe, III, to (1) set aside his order granting Real Party in Interest Diana Tejada's motion for new trial and ordering the case reset for trial and (2) provide a new order explaining his reasons for setting aside the jury's verdict and granting Tejada a new trial. Despite our request, no response has been filed. We conditionally grant relief.

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<sup>1</sup>See Tex. R. App. P. 47.4, 52.8(d).

A trial court's order granting a new trial after a jury trial is subject to mandamus review. See *In re United Scaffolding, Inc.*, 377 S.W.3d 685, 688–89 (Tex. 2012) (orig. proceeding); *In re Columbia Med. Ctr. of Las Colinas Subsidiary, L.P.*, 290 S.W.3d 204, 206, 209 (Tex. 2009) (orig. proceeding). When a trial court orders a new trial after a case has been tried to a jury, the parties “are entitled to an understandable, reasonably specific explanation” for setting aside a jury verdict and ordering a new trial. *Columbia Med. Ctr.*, 290 S.W.3d at 212–13, 215. In its order granting a new trial, a trial court must state a reason for doing so. *Id.* at 213. The stated reason must be (1) “a reason for which a new trial is legally appropriate (such as a well-defined legal standard of a defect that probably resulted in an improper verdict)” and (2) “specific enough to indicate that the trial court did not simply parrot a pro forma template, but rather derived the articulated reasons from the particular facts and circumstances of the case at hand.” *United Scaffolding*, 377 S.W.3d at 688–89. An order that does not satisfy both requirements is an abuse of discretion correctable by mandamus. See *id.*

Here, the trial court's order granting Tejada a new trial does not state any reason for doing so.<sup>2</sup> Thus, we conditionally grant mandamus relief and direct

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<sup>2</sup>The order reads as follows:

CAME on to be heard the Plaintiff's Motion for New Trial, and after having considered same, the Court is of the opinion that said Motion should be granted.

IT IS, THEREFORE, ORDERED that this motion be and is hereby granted and this case is to be reset for trial.

Judge Lowe to amend his order granting a new trial to specifically explain why he set aside the jury's verdict and granted a new trial. See *id.* at 686, 690; *Columbia Med. Ctr.*, 290 S.W.3d at 206, 215; *In re Davis*, No. 02-14-00131-CV, 2014 WL 2145433, at \*1 (Tex. App.—Fort Worth May 20, 2014, orig. proceeding) (granting mandamus relief and directing respondent to amend new-trial order when original order did not conform with *Columbia Medical Center* and *United Scaffolding*). Because we are confident that Judge Lowe will comply with this directive, the writ will issue only if he fails to promptly do so.

/s/ Elizabeth Kerr  
ELIZABETH KERR  
JUSTICE

PANEL: WALKER, KERR, and PITTMAN, JJ.

DELIVERED: September 21, 2017