



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

ECCO 2018 TX1 AS ASSIGNEE OF	§	No. 08-19-00188-CV
ADVANTAGE ASSETS II, INC.,	§	
	§	Appeal from the
Appellant,	§	109th District Court
V.	§	of Andrews County, Texas
ROBERT G. ALVIDREZ,	§	(TC# 21,538)
Appellee.	§	

MEMORANDUM OPINION

This appeal is before the Court to determine whether it has jurisdiction of the appeal. Appellant, ECCO 2018 TX1 as Assignee of Advantage Assets II, Inc., filed notice of appeal from an order granting a motion for new trial and dissolving the judgment of garnishment entered by the trial court on June 17, 2019. Finding that an order granting a motion for new trial is not an appealable order, we dismiss the appeal for lack of jurisdiction.

It is well settled that appellate courts have jurisdiction over final judgments and interlocutory orders made appealable by statute. *Lehmann v. Har-Con Corporation*, 39 S.W.3d 191, 195 (Tex. 2001); TEX.CIV.PRAC. & REM.CODE ANN. § 51.014 (authorizing appeals from certain interlocutory orders). An order granting a motion for new trial rendered during the time the trial court has plenary power is generally not appealable. *See Wilkins v. Methodist Health Care*

System, 160 S.W.3d 559, 563 (Tex. 2005). The Texas Supreme Court has recognized only two exceptions to this rule: (1) where the trial court's order is wholly void; and (2) where the trial court specified in the written order that the sole ground for granting the motion was that the jury's answers to special issues were irreconcilably conflicting). See *Johnson v. Fourth Court of Appeals*, 700 S.W.2d 916, 918 (Tex. 1985)(orig. proceeding). On July 10, 2019, the Clerk of the Court notified the parties that the Court intended to dismiss the appeal for lack of jurisdiction unless any party showed grounds for continuing the appeal. Appellant has not filed any response or otherwise shown that either exception to the general rules applies. Finding that the order granting a new trial is not appealable, we dismiss the appeal for lack of jurisdiction.

August 7, 2019

YVONNE T. RODRIGUEZ, Justice

Before McClure, C.J., Rodriguez, and Palafox, JJ.