

DISMISS and Opinion Filed July 16, 2013.



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

No. 05-13-00573-CV

RADIANT DARKSTAR PRODUCTION, LLC, Appellant

V.

PHILIP B. SAUER, Appellee

**On Appeal from the 134th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-13-02152**

MEMORANDUM OPINION

Before Justices Lang, Myers, and Evans
Opinion by Justice Lang

This is an appeal from the trial court’s April 4, 2013 order overruling Radiant Darkstar Productions, LLC’s motion to dissolve prejudgment writs of garnishment and emergency motion to release funds deposited in the registry of the court. Because it appeared these interlocutory orders were unappealable, we directed the parties to file letter briefs addressing our jurisdiction over the appeal. *See In re Tex. Am. Express, Inc.*, 190 S.W.3d 720, 727 (Tex. App.—2005, orig. proceeding) (“As a general rule, writs and orders issued to aid judgment creditors in collecting on their judgments are not appealable.”). In its letter brief, Radiant Darkstar stated it had also filed a petition for writ of mandamus and had brought the appeal “in an abundance of caution” in the event certain portions of the challenged orders were determined to be injunctive in nature. *See TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a)(4)* (West Supp. 2012) (allowing appeal from interlocutory order of district court granting or refusing a temporary injunction or granting

or overruling a motion to dissolve temporary injunction). By opinion filed June 25, 2013, the Court conditionally granted Darkstar's petition for writ of mandamus, specifically finding Darkstar has no adequate remedy at law. See *In re Radiant Darkstar Prod., L.L.C.*, 05-13-00586-CV, 2013 WL 3239672 (Tex. App.—Dallas June 25, 2013, orig. proceeding) (mem. op.). Because the complained of orders are unappealable interlocutory orders and in light of this Court's June 25th opinion, we dismiss this appeal. See TEX. R. APP. P. 42.3(a); *Tex. Am. Express*, 190 S.W.3d at 727.

/Douglas S. Lang/

DOUGLAS S. LANG
JUSTICE

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

JUDGMENT

RADIANT DARKSTAR PRODUCTION,
LLC, Appellant

No. 05-13-00573-CV V.

PHILIP B. SAUER, Appellee

On Appeal from the 134th Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DC-13-02152.
Opinion delivered by Justice Lang. Justices
Myers and Evans participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.
We **ORDER** that appellee Philip B. Sauer recover his costs of this appeal from appellant
Radiant Darkstar Production, LLC.

Judgment entered this 16th day of July, 2013.

/Douglas S. Lang/
DOUGLAS S. LANG
JUSTICE