

**DENY and Opinion Filed April 15, 2022**



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

**No. 05-22-00326-CV**

**IN RE SUNTERRA DISTRIBUTION, LLC, Relator**

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**Original Proceeding from the 134th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-20-18911**

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**MEMORANDUM OPINION**

Before Justices Myers, Nowell, and Goldstein  
Opinion by Justice Nowell

In this original proceeding, relator contends that the trial court lacked plenary power to issue its April 11, 2022 order granting a new trial. Entitlement to mandamus relief requires relator to show that the trial court clearly abused its discretion and that relator lacks an adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding).

As the party seeking relief, relator has the burden of providing the Court with a certified or sworn copy of every document that is material to establishing its right to mandamus relief. *See* TEX. R. APP. P. 52.3(k), 52.7(a); *In re Butler*, 270 S.W.3d 757, 759 (Tex. App.—Dallas 2008, orig. proceeding) (requiring relator to submit a record containing certified or sworn copies). Because the documents included in the

record are not certified by a trial court clerk or adequately sworn copies, we conclude relator has not met this burden. Accordingly, we deny the petition for writ of mandamus.

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/Erin A. Nowell/  
ERIN A. NOWELL  
JUSTICE