

Opinion issued November 9, 2017



In The
Court of Appeals
For The
First District of Texas

NO. 01-17-00673-CV

IN RE HAROLD GOLDBERG, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

We withdraw our October 17, 2017 opinion and issue this opinion in its stead.
In this mandamus proceeding, relator contends that the trial court abused its

discretion by granting a motion for new trial.¹ We lack jurisdiction over the associate judge.²

We **deny** the petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM

Panel consist of Chief Justice Radack and Justices Keyes and Brown.

¹ The underlying case is *In the Matter of the Marriage of Jennifer Karpinsky-Goldberg v. Harold Goldberg*, cause number 2016-68107, pending in the 308th District Court of Harris County, Texas, the Honorable David Sydow presiding.

² *See In re Clark*, No. 01-15-00458-CV, 2015 WL 3877787, at *1 (Tex. App.—Houston [1st Dist.] June 23, 2015, orig. proceeding) (per curiam) (mem. op.) (holding that court of appeals does not have jurisdiction over associate judge). We note that the Texas Legislature has recently changed our mandamus jurisdiction to encompass associate judges. *See* Act of May 27, 2017, 85th Leg., R.S., ch. 1013, H.B. 1480, § 1 (to be codified as an amendment to TEX. GOV'T CODE ANN. § 22.221). However, the change in the statute applies to suits filed after September 1, 2017. *Id.* § 2 (“Section 22.221(b) . . . as amended by this Act, applies only to a suit . . . filed on or after the effective date of this Act.”). Because the underlying suit was filed prior to September 1, 2017, we lack jurisdiction.