

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Linda Jensen Brys v. Calvin Cobb

Brys v. Cobb · No. 01-24-00726-CV · Decided April 30, 2026

SUMMARY

The First Court of Appeals of Texas held that the trial court lacked plenary power to grant Calvin Cobb’s motions challenging domestication of a California default judgment because the motions were filed after the applicable deadline. The court declared the trial court’s orders void, vacated them, and dismissed the appeal, leaving the California judgment intact as an enforceable Texas judgment.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Clint Morgan; Justice Rivas-Molloy; Justice Guiney; Justice Morgan
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	April 30, 2026
DOCKET	01-24-00726-CV
DISPOSITION	vacated
PROCEDURAL POSTURE	Appeal from orders granting the appellee's motion for new trial and declaring a domesticated California judgment void for lack of personal jurisdiction.
STANDARD OF REVIEW	Whether a trial court has jurisdiction to render a decision is reviewed de novo.
PRECEDENTIAL VALUE	published
PARTIES	Linda Jensen Brys v. Calvin Cobb

TOPICS

- civil procedure
- appellate procedure
- final judgment rule
- personal jurisdiction
- remedies

PRACTICE AREAS

- civil procedure
- appellate procedure
- judgment enforcement
- foreign judgments
- personal jurisdiction
- remedies

QUESTIONS PRESENTED

1. Whether the Texas trial court retained plenary power to grant Cobb's motion for new trial filed more than a year after the foreign judgment was filed for domestication.
2. Whether the Texas trial court retained jurisdiction to declare the domesticated California judgment void based on lack of personal jurisdiction after its plenary power had expired.
3. What disposition was appropriate when the orders appealed from were void.

HOLDINGS

1. A foreign judgment properly filed under the UEFJA becomes enforceable as a Texas judgment on the filing date. Unless a timely motion for new trial is filed, the trial court's plenary power expires thirty days after that filing.
2. Cobb's motion for new trial filed more than a year after domestication and his motion to clarify and declare the judgment void filed fourteen months later were untimely.
3. Orders issued after the trial court's plenary power expired are void and have no legal effect. The trial court's orders granting a new trial and declaring the California judgment void were therefore nullities.
4. An appellate court lacks jurisdiction to address the merits of an appeal from void orders; it may determine that the orders are void and enter an appropriate disposition.

KEY QUOTATIONS

“Judicial action taken after the trial court’s plenary power has expired is void.” (at 6)

“[A]ppellate courts do not have jurisdiction to address the merits of appeals from void orders or judgments; rather, they have jurisdiction only to determine that the order or judgment underlying the appeal is void and make appropriate orders based on that determination.” (at 6)

FACTUAL BACKGROUND

Brys alleged that Cobb removed intimate photographs from her California home, threatened to post them online, and later posted the photographs and derogatory statements on Twitter while in Texas. After Cobb evaded service, the California court authorized substituted service by email; Cobb did not answer or appear, and the California court entered a default judgment for \$1,000,540 plus interest. Brys filed the California judgment in Texas for domestication under the Uniform Enforcement of Foreign Judgments Act, but Cobb challenged it more than a year later.

PROCEDURAL HISTORY

Brys obtained a California default judgment against Cobb and filed the authenticated judgment and related documents in Texas under the Uniform Enforcement of Foreign Judgments Act. The judgment became enforceable as a Texas judgment when filed on July 21, 2023. More than a year later, Cobb moved for a new trial and later moved to clarify and declare the judgment void. The trial court granted both motions, and Brys appealed. The court of appeals held that the trial court's plenary power had expired before it acted, declared the orders void, vacated them, and dismissed the appeal.

DISPOSITION

vacated

CASES CITED

- Tex. Parks & Wildlife Dep't v. Sawyer Tr., 354 S.W.3d 384, 388 (Tex. 2011)
- Int'l Armament Corp. v. Stocker & Lancaster LLP, 565 S.W.3d 823, 826 (Tex. App.—Houston [14th Dist.] 2018, no pet.)
- Reading & Bates Constr. Co. v. Baker Energy Res. Corp., 976 S.W.2d 702, 712 (Tex. App.—Houston [1st Dist.] 1998, pet. denied)
- Mindis Metals, Inc. v. Oilfield Motor & Control, Inc., 132 S.W.3d 477, 484 (Tex. App.—Houston [14th Dist.] 2004, pet. denied)
- Tammy Tran Attorneys at Law, LLP v. Spark Funding, LLC, 634 S.W.3d 311, 314 (Tex. App.—Houston [1st Dist.] 2021, pet. denied)
- Walnut Equip. Leasing Co., Inc. v. Wu, 920 S.W.2d 285, 286 (Tex. 1996)
- Moncrief v. Harvey, 805 S.W.2d 20, 23 (Tex. App.—Dallas 1991, no writ)
- Martin v. Tex. Dep't of Family & Protective Servs., 176 S.W.3d 390, 392-393 (Tex. App.—Houston [1st Dist.] 2004, no pet.)
- Malone v. Emmert Indus. Corp., 858 S.W.2d 547, 548 (Tex. App.—Houston [14th Dist.] 1993, writ denied)
- Moore Landrey, L.L.P. v. Hirsch & Westheimer, P.C., 126 S.W.3d 536, 543 (Tex. App.—Houston [1st Dist.] 2003, no pet.)
- State ex rel. Latty v. Owens, 907 S.W.2d 484, 486 (Tex. 1995)
- Freedom Communications, Inc. v. Coronado, 372 S.W.3d 621, 623 (Tex. 2012)
- O'Heeron v. Nutty Brown Enters., L.P., No. 01-24-00867-CV, 2025 WL 1829780, at *3 & n.11 (Tex. App.—Houston [1st Dist.] July 3, 2025, no pet.) (mem. op.)

OPINION

PER CURIAM.

Opinion issued April 30, 2026 In The Court of Appeals For The First District of Texas NO. 01-24-00726-CV LINDA JENSEN BRYs, Appellant v. CALVIN COBB, Appellee On Appeal from 270th District Court Harris County, Texas Cause No. 2023-45693 MEMORANDUM OPINION This appeal arises from an order declaring a foreign judgment void for lack of jurisdiction. Appellant, Linda Brys,¹ brought a claim against Calvin Cobb, a Texas citizen, in California asserting that he stole intimate photographs of her from her 1 Brys was referred to as Jane Doe in the California proceeding.

California home and later posted the photographs on Twitter. The California court entered a default judgment against Cobb, and Brys brought a domestication action in Texas. The Texas trial court granted Cobb's motion for new trial and declared the California judgment void. Brys

appeals, arguing the trial court's judgment was erroneous on the merits. Our review of the record shows a more fundamental problem, namely that Cobb filed his motion for new trial over a year after the trial court's plenary power expired.

Because the trial court was without jurisdiction to issue the complained-of orders, we vacate those orders and dismiss the appeal, leaving Brys's judgment intact and domesticated. Background While Cobb was visiting Brys in California, he behaved under the influence of alcohol in a way that led Brys to lock herself in her bedroom. Brys's friend called the police, and Cobb continued to yell loudly and attempted to break down Brys's bedroom door.

While Brys was speaking to the police on the phone, Cobb entered Brys's bedroom and removed intimate personal belongings, including her nude photographs, without her permission. After Cobb left Brys's home and went to a hotel, he texted Brys showing her what he had taken. He threatened to post Brys's nude photographs on social media platforms, including Twitter, the same platform Brys used to market her business and provide "live" market calls for the energy sector.

About ten days later, while back in Texas, Cobb posted multiple derogatory statements about Brys and her nude photographs on Twitter without her consent. Multiple individuals liked, retweeted, and commented on Cobb's posts, increasing the dissemination of Brys's nude photographs. These events compromised Brys's various business activities through Twitter, and the posts have ruined Brys's career and reputation in the finance industry.

Brys sued Cobb in California, alleging that Cobb violated California's civil revenge porn law² by posting illegally obtained intimate photographs to Twitter. Because Cobb evaded service of process, the California court allowed substituted service via email.

After service by email and multiple emails between Cobb and Brys's attorney, the parties mediated the case without success. Nonetheless, Cobb did not answer or make an appearance, and the California court entered a default judgment for \$1,000,540.00 plus interest (the "California judgment").

Because Cobb is a Texas resident, Brys brought an action to domesticate the California judgment in Texas. Over a year later, Cobb moved for a new trial, challenging domestication. The trial court granted a new trial.

Because it was unclear to Brys whether the trial court's grant of a new trial was the denial of full faith and 2 See CAL. CIV. CODE § 1708.85. 3 credit, Brys filed domestication documents a second time to remedy any potential procedural issues. Cobb responded by requesting the trial court to declare the California judgment void for lack of personal jurisdiction.

The trial court signed a second order declaring the California judgment void. Brys appealed. Domestication and Enforcement of Foreign Judgment Whether a trial court has jurisdiction to

render a decision is a question of law subject to de novo review. *Tex. Parks & Wildlife Dep't v. Sawyer Tr.*, 354 S.W.3d 384, 388 (Tex. 2011); *Int'l Armament Corp. v. Stocker & Lancaster LLP*, 565 S.W.3d 823, 826 (Tex.

App.—Houston [14th Dist.] 2018, no pet.). “[T]he United States Constitution requires that full faith and credit be given in each state to the public acts, records, and judicial proceedings of every other state.” *Reading & Bates Constr. Co. v. Baker Energy Res. Corp.*, 976 S.W.2d 702, 712 (Tex. App.—Houston [1st Dist.] 1998, pet. denied); U.S. CONST. art. IV, § 1. “A valid judgment from one state is to be enforced in other states regardless of the laws or public policy of other states.” *Reading & Bates Constr.*, 976 S.W.2d at 712.

In Texas, the Uniform Enforcement of Foreign Judgments Act (UEFJA), codified in the Texas Civil Practice and Remedies Code, governs the domestication and enforcement of foreign judgments. See TEX. CIV. PRAC. & REM. CODE § 35.003–.008.

Thus, when a judgment from another state is filed in Texas in compliance with 4 the UEFJA, it becomes enforceable as a Texas judgment. *Reading & Bates Constr.*, 976 S.W.2d at 712. Under the UEFJA, the party seeking the enforcement of a foreign judgment has the initial burden to present a final and valid judgment on its face. *Mindis Metals, Inc. v. Oilfield Motor & Control, Inc.*, 132 S.W.3d 477, 484 (Tex.

App.—Houston [14th Dist.] 2004, pet. denied). A judgment creditor’s proper filing of an authenticated copy of the foreign judgment presents a prima facie case for enforcement. TEX. CIV. PRAC. & REM. CODE § 35.003; *Tammy Tran Attorneys at Law, LLP v. Spark Funding, LLC*, 634 S.W.3d 311, 314 (Tex. App.—Houston [1st Dist.] 2021, pet. denied).

The judgment debtor then bears the burden “to prove by clear and convincing evidence that the foreign judgment should not be given full faith and credit.” *Tammy Tran Attorneys at Law*, 634 S.W.3d at 314. The judgment debtor may challenge the judgment using the same procedures and under the same timelines applicable to a Texas judgment. *Int'l Armament Corp.*, 565 S.W.3d at 826; TEX. CIV.

PRAC. & REM. CODE § 35.003(c). Under the UEFJA, the judgment creditor’s filing consists of both the plaintiff’s original petition and a final judgment. *Walnut Equip. Leasing Co., Inc. v. Wu*, 920 S.W.2d 285, 286 (Tex. 1996). *Brys*’s filing complied with the UEFJA, and thus the California judgment became enforceable as a Texas judgment on the date it was filed, July 21, 2023.

TEX. CIV. PRAC. & REM. CODE § 35.003(b), (c); see *Wu*, 5 920 S.W.2d at 286. Because the California judgment filed in Texas became a final, domesticated Texas judgment on July 21, 2023, absent a timely filed motion for new trial contesting its domestication, the trial court’s plenary power expired thirty days later. See TEX. R. CIV. P. 306a(1), 329b(d). *Cobb*’s motion for new

trial, filed over a year later, and his motion to clarify and declare the California judgment void, filed 14 months later, were untimely.

See TEX. R. CIV. P. 329b(a), (f); Wu, 920 S.W.2d at 286; see also *Moncrief v. Harvey*, 805 S.W.2d 20, 23 (Tex. App.—Dallas 1991 no writ) (holding judgment debtor may contest recognition of foreign judgment “by filing a motion to contest it... thirty days after the filing of the judgment”). Consequently, the trial court’s plenary power expired thirty days after the filing of the foreign judgment.

See TEX. R. CIV. P. 306a(1), 329b(d). “Judicial action taken after the trial court’s plenary power has expired is void.” *Martin v. Tex. Dep’t of Family & Protective Servs.*, 176 S.W.3d 390, 393 (Tex. App.—Houston [1st Dist.] 2004, no pet.).

Because the trial court had lost its plenary power, the trial court lacked jurisdiction to rule on Cobb’s motions. See *id.* at 392; *Malone v. Emmert Indus. Corp.*, 858 S.W.2d 547, 548 (Tex. App.—Houston [14th Dist.] 1993, writ denied) (after trial court’s plenary power expired, it had no jurisdiction when it signed order vacating foreign judgment).

Thus, the trial court’s orders granting Cobb’s motion for new trial and Cobb’s motion to clarify and declare void the California judgment are a nullity and have no effect. See *Moore 6 Landrey, L.L.P. v. Hirsch & Westheimer, P.C.*, 126 S.W.3d 536, 543 (Tex. App.—Houston [1st Dist.] 2003, no pet.); Wu, 920 S.W.2d at 286. This leaves intact as the final judgment in this case the California judgment as an enforceable Texas judgment.

See *State ex rel. Latty v. Owens*, 907 S.W.2d 484, 486 (Tex. 1995); *Reading & Bates Constr.*, 976 S.W.2d at 712. “[A]ppellate courts do not have jurisdiction to address the merits of appeals from void orders or judgments; rather, they have jurisdiction only to determine that the order or judgment underlying the appeal is void and make appropriate orders based on that determination.” *Freedom Communications, Inc. v. Coronado*, 372 S.W.3d 621, 623 (Tex.

2012). Although a party affected by void orders need not appeal to set such void orders aside, because Brys appealed, we are authorized to declare void the trial court’s August 26, 2024 order granting Cobb’s motion for new trial and the trial court’s November 11, 2024 order granting Cobb’s motion to clarify and declare the California judgment void. See *Moore Landrey, L.L.P.*, 126 S.W.3d at 543.

Accordingly, we declare void the trial court’s post-plenary-power orders of August 26, 2024 and November 11, 2024 and dismiss the appeal. Conclusion We conclude that the trial court did not have plenary power when it issued the challenged orders.

Thus, the trial court’s orders granting Cobb’s motion for new trial and motion to clarify and void the California judgment are void. We vacate the trial court’s orders and dismiss the appeal,

leaving in place the domesticated California judgment.³ Clint Morgan Justice Panel consists of Justices Rivas-Molloy, Guiney, and Morgan. ³ Cf. *O’Heeron v. Nutty Brown Enters., L.P.*, No. 01-24-00867-CV, 2025 WL 1829780, at *3 & n.11 (Tex.

App.—Houston [1st Dist.] July 3, 2025, no pet.) (mem. op.) (county court’s judgment was void because plenary power over case had already expired in justice court when appeal to county court was filed). ⁸