

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.)