

TEXAS COURT OF APPEALS, ELEVENTH DISTRICT

Matthew Coday and Oil & Gas Workers Association, Inc. v. Wallace Dunn; Tisha Crow, Individually and D/B/A Crow Insurance Agency; and Kris Crow, Individually and D/B/A Crow Insurance Agency

Coday v. Dunn · No. Nos. 11-25-00247-CV & 11-25-00350-CV · Decided January 22, 2026

SUMMARY

The Texas Eleventh Court of Appeals dismissed two appeals for want of jurisdiction. The appeals challenged trial court orders granting motions to dismiss claims and counterclaims under the Texas Citizens Participation Act, but the orders were interlocutory, lacked finality language, and did not dispose of all parties and claims. The court held that an order granting a TCPA motion is not independently appealable before a final judgment.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                     |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Texas Court of Appeals, Eleventh District                                                                                                                                                                                                                                                           |
| WRITING FOR THE COURT | John M. Bailey, Chief Justice; Trotter, Justice; Williams, Justice                                                                                                                                                                                                                                  |
| JURISDICTION          | Texas Court of Appeals, Eleventh District                                                                                                                                                                                                                                                           |
| DECIDED               | January 22, 2026                                                                                                                                                                                                                                                                                    |
| DOCKET                | Nos. 11-25-00247-CV & 11-25-00350-CV                                                                                                                                                                                                                                                                |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE    | Appellants appealed trial-court orders granting the appellees' motions to dismiss claims and counterclaims under the Texas Citizens Participation Act. The court of appeals dismissed both appeals for want of jurisdiction because the orders were interlocutory and not independently appealable. |
| STANDARD OF REVIEW    | Whether the court of appeals had appellate jurisdiction was reviewed as a jurisdictional question based on the record and applicable statutes governing final judgments and interlocutory appeals.                                                                                                  |
| PRECEDENTIAL VALUE    | Published memorandum opinion                                                                                                                                                                                                                                                                        |
| PARTIES               | Matthew Coday, Oil & Gas Workers Association, Inc. v. Wallace Dunn, Tisha Crow, individually and d/b/a Crow Insurance Agency, Kris Crow, individually and d/b/a Crow Insurance Agency                                                                                                               |

## TOPICS

appellate jurisdiction

interlocutory appeal

final judgment rule

appellate procedure

civil procedure

## PRACTICE AREAS

appellate procedure

civil procedure

Texas Citizens Participation Act

## QUESTIONS PRESENTED

1. Whether orders granting TCPA motions to dismiss are immediately appealable before the trial court signs a final judgment.
2. Whether the trial court's orders were final judgments when they did not dispose of all parties and claims and contained no unequivocal finality language.
3. Whether the court of appeals had jurisdiction over the two appeals.

## HOLDINGS

1. A trial court's order granting a motion to dismiss under the TCPA is not independently appealable as an interlocutory order; it may be appealed only after the trial court signs a final judgment, unless another statute authorizes the appeal.
2. Neither order was a final judgment because claims and parties remained pending and the orders did not contain unequivocal finality language expressly disposing of all claims and parties.
3. The court of appeals lacked jurisdiction because neither challenged order was a final judgment or independently appealable interlocutory order, and the appeals were dismissed for want of jurisdiction.

## KEY QUOTATIONS

*“While the TCPA permits an interlocutory appeal from the denial of a motion to dismiss, there is no provision for an interlocutory appeal from the granting of such a motion.” (at 2)*

*“Because neither of the trial court’s orders resulted in a final judgment and the orders are not independently appealable, we are without jurisdiction to consider them.” (at 3-4)*

## FACTUAL BACKGROUND

Wallace Dunn sued Matthew Coday and Oil & Gas Workers Association, Inc. for defamation. Coday asserted counterclaims against Dunn and later filed a third-party petition against Tisha and Kris Crow asserting retaliation, slander, defamation, conspiracy, tortious interference, and breach of fiduciary duty. The trial court granted the appellees' motions to dismiss under the Texas Citizens Participation Act, while Dunn's claims against Coday and OGWA remained pending.

## PROCEDURAL HISTORY

Dunn sued Coday and Oil & Gas Workers Association, Inc. for defamation. Coday asserted counterclaims against Dunn, and later filed a third-party petition asserting claims against Tisha and Kris Crow; the trial court granted the appellees' TCPA motions to dismiss those claims. Appellants appealed both orders, but the court

determined that claims and parties remained pending and that neither order contained finality language or was independently appealable.

## DISPOSITION

dismissed

## CASES CITED

- Tex. A & M Univ. Sys. v. Koseoglu, 233 S.W.3d 835, 840-41 (Tex. 2007)
- Lehmann v. Har-Con Corp., 39 S.W.3d 191, 192-93, 195, 200 (Tex. 2001)
- First Sabrepoint Cap. Mgmt., L.P. v. Farmland Partners Inc., 712 S.W.3d 75, 84 n.6 (Tex. 2025)
- Sealy Emergency Room, L.L.C. v. Free Standing Emergency Room Managers of Am., L.L.C., 685 S.W.3d 816, 820 (Tex. 2024)

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