

COURT OF APPEALS FOR THE FOURTEENTH DISTRICT OF TEXAS

Allison Booker Brooks v. Achor Counseling & Associates

No. 14-19-00829-CV (Tex. App.—Houston [14th Dist.] Apr. 2, 2020) · No. No. 14-19-00829-CV · Decided April 2, 2020

SUMMARY

The Fourteenth Court of Appeals dismissed Allison Booker Brooks's attempted appeal for want of jurisdiction. The court held that the October 1, 2019 order was interlocutory and not subject to interlocutory appeal, and the appellant did not respond to the court's notice of intent to dismiss.

CASE DETAILS

COURT	Court of Appeals for the Fourteenth District of Texas
WRITING FOR THE COURT	Chief Justice Frost; Justice Jewell; Justice Spain
JURISDICTION	Texas
DECIDED	April 2, 2020
DOCKET	No. 14-19-00829-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Attempted appeal from an interlocutory order; the court dismissed the appeal for want of jurisdiction.
STANDARD OF REVIEW	The court applied the jurisdictional requirement that appeals generally lie only from final judgments, subject to statutory exceptions for interlocutory appeals.
PRECEDENTIAL VALUE	published
PARTIES	Allison Booker Brooks v. Achor Counseling & Associates

TOPICS

[final judgment rule](#) [appellate jurisdiction](#) [interlocutory appeal](#) [appellate procedure](#) [civil procedure](#)

PRACTICE AREAS

[civil procedure](#) [appellate procedure](#)

QUESTIONS PRESENTED

- Whether the October 1, 2019 order was a final, appealable judgment.

2. Whether the record established a statutory exception permitting interlocutory appellate review.
3. Whether the appeal should be dismissed for want of jurisdiction after appellant failed to demonstrate grounds for continuing it.

HOLDINGS

1. The October 1, 2019 order was not a final, appealable judgment because it did not dispose of all pending parties and claims.
2. The appeal could not proceed because the record contained no order reviewable on interlocutory appeal.

KEY QUOTATIONS

“Generally, appeals may be taken only from final judgments.”

“When orders do not dispose of all pending parties and claims, the orders remain interlocutory and unappealable until final judgment is rendered unless a statutory exception applies.”

FACTUAL BACKGROUND

The appeal arose from an order signed October 1, 2019, in a case pending in Harris County County Civil Court at Law No. 1. The record did not contain a final judgment or an order reviewable through interlocutory appeal. Brooks did not respond to the appellate court's notice that it intended to dismiss the appeal for want of jurisdiction.

PROCEDURAL HISTORY

Brooks attempted to appeal an order signed October 1, 2019, from County Civil Court at Law No. 1 of Harris County. The appellate court determined that the order was not a final, appealable judgment and that no statutory basis for interlocutory review appeared in the record. After notifying Brooks that it intended to dismiss unless she demonstrated grounds for continuing the appeal, and receiving no response, the court dismissed the appeal.

DISPOSITION

dismissed

CASES CITED

- Lehmann v. Har-Con Corp., 39 S.W.3d 191, 195 (Tex. 2001)
- Bally Total Fitness Corp. v. Jackson, 53 S.W.3d 352, 352 (Tex. 2001)
- Jack B. Anglin Co., Inc. v. Tipps, 842 S.W.2d 266, 272 (Tex. 1992) (orig. proceeding)

OPINION

PER CURIAM.

Appeal Dismissed and Memorandum Opinion filed April 2, 2020. In The Fourteenth Court of Appeals NO. 14-19-00829-CV ALLISON BOOKER BROOKS, Appellant V. ACHOR

COUNSELING & ASSOCIATES, Appellee On Appeal from County Civil Court at Law No. 1 Harris County, Texas Trial Court Cause No. 1124021 MEMORANDUM OPINION This is an attempted appeal from an order signed October 1, 2019.

Generally, appeals may be taken only from final judgments. *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). When orders do not dispose of all pending parties and claims, the orders remain interlocutory and unappealable until final judgment is rendered unless a statutory exception applies. *Bally Total Fitness Corp. v. Jackson*, 53 S.W.3d 352, 352 (Tex.

2001); *Jack B. Anglin Co., Inc. v. Tipps*, 842 S.W.2d 266, 272 (Tex. 1992) (orig. proceeding). The order being appealed is not a final, appealable judgment. The record before this court contains no order reviewable on interlocutory appeal.

On March 19, 2020, this court notified the parties of our intention to dismiss the appeal for want of jurisdiction unless appellant filed a response demonstrating grounds for continuing the appeal on or before March 30, 2020. See Tex. R. App. P. 42.3(a). Appellant has not filed a response.

We dismiss the appeal. PER CURIAM Panel consists of Chief Justice Frost and Justices Jewell and Spain. 2