

THIRD COURT OF APPEALS OF TEXAS, AUSTIN

John Green v. Memorial Park Medical Center, Inc.

Green · No. 03-15-00141-CV · Decided March 31, 2015

SUMMARY

This document is an appellant's response to an appellee's motion to dismiss an appeal for lack of jurisdiction in the Texas Third Court of Appeals. The response addresses the validity of a temporary injunction, a dispute concerning a mechanic's and materialman's lien, and related proceedings in Travis and Brown Counties.

CASE DETAILS

COURT	Third Court of Appeals of Texas, Austin
JURISDICTION	Texas
DECIDED	March 31, 2015
DOCKET	03-15-00141-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellant filed a response opposing appellee's motion to dismiss the appeal for lack of jurisdiction. The response asks the court to deny dismissal and continue the appeal.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	John Green v. Memorial Park Medical Center, Inc.

TOPICS

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appellate procedure

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Court of Appeals should dismiss the appeal for lack of jurisdiction under Texas Rule of Appellate Procedure 42.3(a).
2. Whether the challenged trial-court order was void for failure to comply with Texas Rule of Civil Procedure 683.

3. Whether the appeal should continue despite the subsequent nonsuit and order of dismissal.

FACTUAL BACKGROUND

According to appellant's response, the dispute concerned a mechanic's and materialman's lien recorded in Brown County and a prior final judgment involving the same lien, subject matter, and parties. Memorial Park sought relief in Travis County that Green contended could invalidate or effectively remove the lien and interfere with the Brown County judgment. Green also contended that the trial court's injunction order contained a clerical error and failed to comply with Texas Rule of Civil Procedure 683.

PROCEDURAL HISTORY

Memorial Park Medical Center, Inc. filed a Travis County district-court action seeking to invalidate a mechanic's and materialman's lien, remove a cloud on title, enjoin enforcement of a Brown County judgment, and obtain damages and attorney fees. John Green challenged jurisdiction, sought sanctions and a venue transfer, and later appealed from orders concerning the temporary injunction and dismissal. The case was nonsuited on February 2, 2015, followed by an order of dismissal, and Green filed this response to the appellee's motion to dismiss the appeal.

DISPOSITION

other