

COURT OF APPEALS FOR THE EIGHTH DISTRICT OF TEXAS

**Manfred T. Sterl v. Beverly Mitrisin, Charles Thomas Nations, Brian Hooper, Mike Jansta, Mike Hayward, Jay Jacobs, Casper Rankin, Laurel Handley, Hollis Hamilton, and Bella Sol Properties, LLC**

Sterl · No. No. 08-26-00065-CV · Decided February 11, 2026

SUMMARY

The Eighth District Court of Appeals of Texas dismissed the appeal for want of jurisdiction because the order granting a Rule 91a motion to dismiss was not a final judgment and no statutory exception permitting an interlocutory appeal applied. The court noted that the order left claims against Bella Sol Properties, LLC pending, and the appellant did not respond to the court's jurisdictional inquiry.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                      |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals for the Eighth District of Texas                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | Maria Salas Mendoza, Chief Justice; Palafox, Justice; Soto, Justice                                                                                                                                                                                                  |
| JURISDICTION          | Court of Appeals for the Eighth District of Texas                                                                                                                                                                                                                    |
| DECIDED               | February 11, 2026                                                                                                                                                                                                                                                    |
| DOCKET                | No. 08-26-00065-CV                                                                                                                                                                                                                                                   |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Appeal from an order granting a Texas Rule of Civil Procedure 91a motion to dismiss as to several defendants and severing those defendants into a new cause number. The court of appeals sua sponte considered whether it had jurisdiction and dismissed the appeal. |
| STANDARD OF REVIEW    | The court independently determined whether it had appellate jurisdiction based on the finality and appealability of the challenged order.                                                                                                                            |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                                                            |
| PARTIES               | Manfred T. Sterl v. Beverly Mitrisin, Charles Thomas Nations, Brian Hooper, Mike Jansta, Mike Hayward, Jay Jacobs, Casper Rankin, Laurel Handley, Hollis Hamilton, Bella Sol Properties, LLC                                                                         |

TOPICS

appellate jurisdiction

final judgment rule

interlocutory appeal

appellate procedure

civil procedure

## PRACTICE AREAS

appellate procedure

civil procedure

## QUESTIONS PRESENTED

1. Whether the December 12, 2025 order was a final judgment appealable as of right.
2. Whether a statutory exception authorized an interlocutory appeal.
3. Whether the appeal should be dismissed for want of appellate jurisdiction.

## HOLDINGS

1. The order was not a final judgment because it did not dispose of all claims of all parties; the original cause continued with claims against Bella Sol Properties, LLC.
2. The order was not an appealable interlocutory order because Appellant did not demonstrate that a statutory exception permitted the appeal.

## KEY QUOTATIONS

*“A judgment is final for the purposes of an appeal if it disposes of all pending claims and parties in the case or if it “states with unmistakable clarity that it is a final judgment as to all claims and all parties.”” (at 1)*

*“Because the appealed order is neither final nor an appealable interlocutory order, we dismiss the appeal for want of jurisdiction.” (at 1)*

## FACTUAL BACKGROUND

The trial court granted a Rule 91a motion to dismiss as to nine defendants and severed those dismissed parties into a new cause number. Although the order stated that it disposed of all parties and claims in the severed action and was appealable, it also ordered that the original cause continue with Plaintiff's remaining claims against Bella Sol Properties, LLC. The appellant did not respond to the appellate court's jurisdictional inquiry.

## PROCEDURAL HISTORY

The 448th District Court of El Paso County entered a December 12, 2025 order dismissing claims against several defendants and severing them into a new cause number, while directing that the original cause continue against Bella Sol Properties, LLC. The court of appeals notified Appellant that the order might not be final or appealable and gave him an opportunity to demonstrate appellate jurisdiction. Appellant did not respond, and the court dismissed the appeal for want of jurisdiction.

## DISPOSITION

dismissed

## CASES CITED

- *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 192-93, 195 (Tex. 2001)

## OPINION

Manfred T. Sterl v. Beverly Mitrison, Charles Thomas Nations, Brian Hooper, Mike Jansta, Mike Hayward, Jay Jacobs, Casper Rankin, Laurel Handley, Hollis Hamilton, and Bella Sol Properties, LLC

PER CURIAM.

COURT OF APPEALS

EIGHTH DISTRICT OF TEXAS

EL PASO, TEXAS

No. 08-26-00065-CV Manfred T. Sterl, Appellant v. Beverly Mitrison, Charles Thomas Nations, Brian Hooper, Mike Jansta, Mike Hayward, Jay Jacobs, Casper Rankin, Laurel Handley, Hollis Hamilton, and Bella Sol Properties, LLC, Appellees On Appeal from the 448th District Court El Paso County, Texas Trial Court No. 2025DCV4474

## M E M O R A N D U M O P I N I O N

This appeal is before the Court on its own motion to determine whether it should be dismissed for want of jurisdiction. See Tex. R. App. P. 42.3(a). Because we conclude that the order from which Appellant appeals is not a final judgment, we dismiss the appeal. Generally, courts of appeals have jurisdiction to consider appeals from a final judgment. See *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 192–93, 195 (Tex. 2001). A judgment is final for the purposes of an appeal if it disposes of all pending claims and parties in the case or if it “states with unmistakable clarity that it is a final judgment as to all claims and all parties.” *Id.* Appellant attempts to appeal from a December 12, 2025 order granting the Rule 91a motion to dismiss as to defendants Rankin, Handley, Hamilton, Hooper, Jansta, Hayward, Jacobs, Nations, and Mitrison. The order severs the dismissed parties into a new cause number and states that it “disposes of all parties and all claims in the severed action and is appealable.” However, the order continues: “IT IS FURTHER ORDERED that Cause No. 2025DCV4474 shall proceed with Plaintiff’s remaining claims against Defendant Bella Sol Properties, LLC.” Because the language of the order did not dispose of all claims of all parties, we notified Appellant on January 22, 2026, that this Court may lack jurisdiction over the appeal. We further notified Appellant that the appeal would be dismissed for want of jurisdiction unless he filed a response, on or before February 2, 2026, demonstrating that (1) all parties and all claims have been disposed of such that the order is final and appealable, or (2) a statutory exception permits an interlocutory appeal. Appellant did not respond to our inquiry. Because the appealed order is neither final nor an appealable interlocutory order, we dismiss the appeal for want of jurisdiction. 1 Tex. R. App. P. 42.3(a). MARIA SALAS MENDOZA, Chief Justice February 11, 2026 Before Salas Mendoza, C.J., Palafox and Soto, JJ. 1 Although we dismiss this appeal for want of jurisdiction, we note that Appellant has yet to pay the required filing fee. See Tex. R. App.

P. 5 (requiring payment of fees in civil cases unless a party is excused by statute or by appellate rule from paying costs). The Clerk of this Court notified Appellant on January 13, 2026, that this appeal could be dismissed if he failed to pay the required fee by February 1, 2026. 2

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