

TEXAS COURT OF APPEALS, ELEVENTH DISTRICT AT EASTLAND

Christopher M. Perricone v. Katie Beth Perricone, et al.

Perricone v. Perricone · No. 11-25-00259-CV · Decided June 18, 2026

SUMMARY

The Eleventh Court of Appeals of Texas dismissed Christopher M. Perricone’s appeal for want of jurisdiction and without prejudice. The court held that the trial court had not entered a final judgment or an appealable interlocutory order because the orders did not dispose of all parties or claims, sever a party, or contain unequivocal finality language. The dismissal did not reach the merits of Perricone’s appellate complaints and did not affect the disposition of a related Rule 145 issue.

CASE DETAILS

COURT	Texas Court of Appeals, Eleventh District at Eastland
WRITING FOR THE COURT	John M. Bailey, Chief Justice; Trotter, Justice; Williams, Justice
JURISDICTION	Texas Court of Appeals, Eleventh District
DECIDED	June 18, 2026
DOCKET	11-25-00259-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant sought review of trial-court orders denying leave to file a notice of nonsuit out of time, denying abatement of a Rule 91a hearing, granting a Rule 91a motion as to one defendant, and addressing related matters. The court of appeals determined that no appealable final judgment or statutorily appealable interlocutory order had been entered.
STANDARD OF REVIEW	Not applicable; the court decided its appellate jurisdiction from the face of the trial-court orders.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential status identified as published in the supplied metadata.
PARTIES	Christopher M. Perricone v. Katie Beth Perricone, et al.

TOPICS

- appellate jurisdiction
- final judgment rule
- interlocutory appeal
- appellate procedure
- civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

family law

QUESTIONS PRESENTED

1. Whether the trial court had entered a final judgment or an interlocutory order made appealable by statute.
2. Whether the court of appeals could retain or abate the appeal while finality remained disputed in the trial court.
3. Whether the appeal should be dismissed without prejudice for want of jurisdiction.

HOLDINGS

1. An order or judgment is appealable when it disposes of all parties and claims or includes unequivocal finality language expressly disposing of all claims and parties; because the trial-court orders did neither, the court of appeals lacked jurisdiction.
2. When no appealable order or final judgment exists, the court must dismiss the appeal for want of jurisdiction, without prejudice to the appellant's right to file a notice of appeal after an appealable order or final judgment is entered.

KEY QUOTATIONS

“An order or judgment becomes final when it (1) disposes of all parties and claims before the trial court or (2) “include[s] unequivocal finality language that expressly disposes of all claims and parties.”” (at 2)

“We dismiss this appeal without prejudice to his right to file a notice of appeal after the entry of an appealable order or final judgment in the cause below” (at 3)

FACTUAL BACKGROUND

The trial court entered orders concerning Appellant's attempted nonsuit and Rule 91a proceedings. One order granted a defendant's Rule 91a motion and dismissed Appellant's causes of action against that defendant, except for causes of action under Chapter 42 of the Texas Family Code. The trial court's orders did not dispose of all parties or claims, sever a party to create a final judgment, or contain unequivocal finality language.

PROCEDURAL HISTORY

Perricone filed a pro se notice of appeal from an order denying motions concerning a nonsuit and a Rule 91a hearing. After the court notified him that the order did not appear appealable, he filed another notice of appeal from an order granting a defendant's Rule 91a motion. The court repeatedly notified the parties that no appealable order or final judgment existed and ultimately dismissed the appeal without prejudice for want of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Perricone v. Perricone, 2026 WL 1593647, at *1 (Tex. App.—Eastland June 4, 2026, no pet. h.) (mem. op.)
- Lehmann v. Har-Con Corp., 39 S.W.3d 191, 195 (Tex. 2001)
- 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)
- In re C.K.M., 709 S.W.3d 613, 617–19 (Tex. 2025)
- Ganesan v. Reeves, 236 S.W.3d 816, 817 (Tex. App.—Waco 2007, pet. denied)

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