

COURT OF APPEALS FOR THE SECOND APPELLATE DISTRICT OF TEXAS
AT FORT WORTH

Isabelle Edwards v. KFS Lewisville, LLC

No. 02-25-00422-CV (Tex. App.—Fort Worth Apr. 23, 2026) · No. No. 02-25-00422-CV · Decided April 23, 2026

SUMMARY

The Texas Second Court of Appeals dismissed Isabelle Edwards’s appeal for want of jurisdiction. The trial court’s order granted a Texas Rule of Civil Procedure 91a motion to dismiss and awarded attorney’s fees, but it did not determine the amount of fees and expressly stated that it was not a final order. The appellate court held that the order was neither a final judgment nor an appealable interlocutory order.

CASE DETAILS

COURT	Court of Appeals for the Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Brian Walker; Sudderth, C.J.; Kerr, J.; Walker, J.
JURISDICTION	Court of Appeals for the Second Appellate District of Texas at Fort Worth
DECIDED	April 23, 2026
DOCKET	No. 02-25-00422-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Edwards, acting pro se, attempted to appeal an order granting KFS Lewisville's Texas Rule of Civil Procedure 91a motion to dismiss and awarding attorneys' fees, although the order left the amount of fees undetermined and expressly stated that it was not final. The court of appeals dismissed the appeal for want of jurisdiction.
STANDARD OF REVIEW	The court reviewed its appellate jurisdiction de novo as a threshold question of law.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Isabelle Edwards v. KFS Lewisville, LLC

TOPICS

appellate jurisdiction

interlocutory appeal

final judgment rule

appellate procedure

civil procedure

PRACTICE AREAS

Civil procedure

Appellate procedure

QUESTIONS PRESENTED

1. Whether the August 5, 2025 order was a final judgment appealable as of right when it expressly left the amount of attorneys' fees unresolved.
2. Whether an interlocutory order granting a Texas Rule of Civil Procedure 91a motion to dismiss was immediately appealable.

HOLDINGS

1. An order rendered without a conventional trial on the merits is not final unless it actually disposes of every pending claim and party or clearly and unequivocally states that it finally disposes of all claims and parties. The trial court's order was not final because it left the amount of attorneys' fees undetermined and expressly stated that it was not a final order.
2. An interlocutory order granting a Rule 91a motion to dismiss is not immediately appealable when it does not dispose of all pending claims.

KEY QUOTATIONS

"We may consider appeals only from final judgments or from interlocutory orders made immediately appealable by statute." (slip op. at 1)

"is not final unless (1) it actually disposes of every pending claim and party or (2) it clearly and unequivocally states that it finally disposes of all claims and parties" (slip op. at 1-2)

"Because the order from which Edwards attempts to appeal is neither a final judgment nor an appealable interlocutory order, we dismiss this appeal for want of jurisdiction." (slip op. at 2)

FACTUAL BACKGROUND

The trial court entered an August 5, 2025 order granting KFS Lewisville's Rule 91a motion to dismiss Edwards's claim and awarding attorneys' fees. The order did not determine the amount of attorneys' fees and expressly stated that it was not a final order subject to immediate appellate review. Edwards nevertheless attempted to appeal from that order and did not respond to the appellate court's jurisdictional notice.

PROCEDURAL HISTORY

The Denton County Court at Law No. 2 granted KFS Lewisville's motion to dismiss under Rule 91a and awarded attorneys' fees, but left the amount of fees unresolved. Edwards appealed. The court of appeals questioned its jurisdiction, notified Edwards that the appeal could be dismissed, received no response, and dismissed the appeal because the challenged order was neither a final judgment nor an appealable interlocutory order.

DISPOSITION

dismissed

CASES CITED

- *Bonsmara Nat. Beef Co. v. Hart of Tex. Cattle Feeders, LLC*, 603 S.W.3d 385, 390 (Tex. 2020)
- *In re Guardianship of Jones*, 629 S.W.3d 921, 924 (Tex. 2021)
- *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 200, 205 (Tex. 2001)
- *Hollis v. ProPath Assocs., PLLC*, No. 02-19-00167-CV, 2019 WL 3024472, at *1 (Tex. App.—Fort Worth July 11, 2019, no pet.)
- *DRC Constr. v. Pickle*, No. 01-20-00576-CV, 2022 WL 479918, at *4 (Tex. App.—Houston [1st Dist.] Feb. 17, 2022, no pet.)

OPINION

Isabelle Edwards v. KFS Lewisville, LLC

PER CURIAM.

In the Court of Appeals Second Appellate District of Texas at Fort Worth

No. 02-25-00422-CV _____

ISABELLE EDWARDS, Appellant V. KFS LEWISVILLE, LLC, Appellee On Appeal from
County Court at Law No. 2 Denton County, Texas Trial Court No. CV-2025-02331-JP Before
Sudderth, C.J.; Kerr and Walker, JJ. Memorandum Opinion by Justice Walker

MEMORANDUM OPINION

Appellant Isabelle Edwards, acting pro se, attempts to appeal from the trial court’s August 5, 2025 order granting Appellee KFS Lewisville LLC’s motion to dismiss and awarding KFS Lewisville attorneys’ fees pursuant to Texas Rule of Civil Procedure 91a. The order expressly disposes of Edwards’s claim but also clearly states that the amount of attorneys’ fees awarded has not yet been determined. We may consider appeals only from final judgments or from interlocutory orders made immediately appealable by statute. *Bonsmara Nat. Beef Co. v. Hart of Tex. Cattle Feeders, LLC*, 603 S.W.3d 385, 390 (Tex. 2020). When, as here, a judgment is rendered without a conventional trial on the merits, the judgment “is not final unless

(1) it actually disposes of every pending claim and party or (2) it clearly and unequivocally states that it finally disposes of all claims and parties” even though the statement was included in error and the order “should have been interlocutory.” *In re Guardianship of Jones*, 629 S.W.3d 921, 924 (Tex. 2021); *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 200, 205 (Tex. 2001). The trial court’s August 5, 2025 order does neither. In fact, it does just the opposite by expressly stating that the attorneys’ fees amount has not yet been determined and that “[t]his is not a final order subject to immediate appellate review.” Additionally, an interlocutory order granting a Rule 91a motion to dismiss is not appealable. *Hollis v. ProPath Assocs., PLLC*, No. 02-19-00167-

CV, 2019 WL 3024472, at *1 (Tex. App.—Fort Worth July 11, 2019, no pet.); see *DRC Constr. v. Pickle*, No. 01- 2 20-00576-CV, 2022 WL 479918, at *4 (Tex. App.—Houston [1st Dist.] Feb. 17, 2022, no pet.) (“No statutory or other authority allows for an interlocutory appeal from an order that grants a Rule 91a motion to dismiss but does not dispose of all pending claims.”). We notified Edwards that we questioned our jurisdiction over this appeal because the order does not appear to be a final judgment or an appealable interlocutory order. See Tex. R. App. P. 42.3. We informed her that this appeal could be dismissed for want of jurisdiction unless by March 16, 2026, she filed a response showing grounds for continuing the appeal. See Tex. R. App. P. 44.3. We have received no response. Because the order from which Edwards attempts to appeal is neither a final judgment nor an appealable interlocutory order, we dismiss this appeal for want of jurisdiction. See Tex. R. App. P. 42.3(a), 43.2(f). /s/ Brian Walker Brian Walker Justice Delivered: April 23, 2026 3