

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

The Great American Pool, L.L.C. d/b/a American Pools of Houston v.
Mary J. Phenneger and Joedy Phenneger

No. 01-25-00883-CV · No. 01-25-00883-CV · Decided January 29, 2026

SUMMARY

The First Court of Appeals of Texas dismissed an appeal from an order compelling arbitration. The court held that it lacked jurisdiction because the order was interlocutory and no statute authorized an appeal, and it dismissed the remaining motions as moot.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Justice Guerra; Justice Caughey; Justice Dokupil
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	January 29, 2026
DOCKET	01-25-00883-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from an interlocutory order granting a motion to compel arbitration; the appellant moved to dismiss the appeal for lack of appellate jurisdiction, and the appellees agreed.
STANDARD OF REVIEW	The court addressed appellate jurisdiction over an interlocutory order as a threshold matter; no merits standard of review was applied.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	The Great American Pool, L.L.C. d/b/a American Pools of Houston v. Mary J. Phenneger, Joedy Phenneger

TOPICS

- interlocutory appeal
- arbitration
- appellate jurisdiction
- appellate procedure
- mootness

PRACTICE AREAS

- Appellate procedure
- Arbitration
- Civil procedure
- Commercial litigation

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction over an appeal from an order compelling arbitration.
2. Whether the appeal should be dismissed on the appellant's motion when the appellees agreed that the court lacked jurisdiction.

HOLDINGS

1. An order compelling arbitration that does not dispose of all parties and issues is interlocutory, and no statute authorizes an appeal from that order; therefore, the court lacks appellate jurisdiction.
2. The court granted the motion to dismiss and dismissed the appeal under Texas Rule of Appellate Procedure 42.1(a)(1); it dismissed all other pending motions as moot.

KEY QUOTATIONS

“holding that order compelling arbitration does not dispose of all parties and issues and is interlocutory and no statute authorizes appeal”

FACTUAL BACKGROUND

The appeal arose from a district-court order compelling arbitration in a dispute involving The Great American Pool, L.L.C. and the Phennegers. The appellate court did not reach the merits of the arbitration dispute because it concluded that the order was interlocutory and not appealable.

PROCEDURAL HISTORY

The 281st District Court of Harris County granted a motion to compel arbitration. The appellant appealed, then moved to dismiss after determining that the order was interlocutory and not appealable; the appellees agreed, and the court of appeals dismissed the appeal and all other pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- *Susaita v. Precision Drilling, L.P.*, No. 01-24-00384-CV, 2024 WL 5081483, at *1 (Tex. App.—Houston [1st Dist.] Dec. 12, 2024, no pet.)

OPINION

The Great American Pool, L.L.C. D/B/A American Pools of Houston v. Mary J Phenneger and Joedy Phennegerhrris

PER CURIAM.

Opinion issued January 29, 2026 In The Court of Appeals For The First District of Texas
NO. 01-25-00883-CV

THE GREAT AMERICAN POOL, L.L.C. D/B/A AMERICAN POOLS OF

HOUSTON, Appellant V. MARY J. PHENNEGER AND JOEDY PHENNEGER, Appellees On Appeal from the 281st District Court Harris County, Texas Trial Court Case No. 2025-13624

MEMORANDUM OPINION

This is an appeal from an order granting a motion to compel arbitration. Appellant, The Great American Pool, L.L.C. d/b/a American Pools of Houston, has filed a motion to dismiss the appeal because it has determined that this Court lacks jurisdiction over this appeal. Case law supports this conclusion. See *Susaita v. Precision Drilling, L.P.*, No. 01-24-00384-CV, 2024 WL 5081483 at *1 (Tex. App.—Houston [1st Dist.] Dec. 12, 2024, no pet.) (holding that order compelling arbitration does not dispose of all parties and issues and is interlocutory and no statute authorizes appeal). Appellant states in its certificate of conference that appellees agree with this motion. No opinion has issued. See TEX. R. APP. P. 42.1(c). Accordingly, we grant the motion and dismiss the appeal. See TEX. R. APP. P. 42.1(a)(1). We dismiss all other pending motions as moot.

PER CURIAM

Panel consists of Justices Guerra, Caughey, and Dokupil. 2