

TEXAS COURT OF APPEALS FOR THE FIRST DISTRICT

SignAd, Ltd. v. Stan Apostolo a/k/a Stanley W. Apostolo and Apostolo & Associates, Inc.

No. 01-25-00659-CV · No. 01-25-00659-CV · Decided December 18, 2025

SUMMARY

The First Court of Appeals of Texas dismissed SignAd, Ltd.’s appeal for lack of jurisdiction. The trial court’s grant of a new trial eliminated the final judgment underlying the appeal, and SignAd agreed that the appeal should be dismissed. All pending motions were dismissed as moot.

CASE DETAILS

COURT	Texas Court of Appeals for the First District
WRITING FOR THE COURT	Chief Justice Adams; Justice Gunn; Justice Johnson
JURISDICTION	Texas Court of Appeals, First District
DECIDED	December 18, 2025
DOCKET	01-25-00659-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	SignAd appealed an order dismissing its counterclaims. While the appeal was pending, the trial court granted a new trial on the issue of attorney fees, and SignAd agreed that the judgment was no longer final and that the appeal should be dismissed for lack of jurisdiction.
STANDARD OF REVIEW	De novo review of appellate jurisdiction
PRECEDENTIAL VALUE	published
PARTIES	SignAd, Ltd. v. Stan Apostolo a/k/a Stanley W. Apostolo, Apostolo & Associates, Inc.

TOPICS

- appellate jurisdiction
- mootness
- final judgment rule
- motion for new trial
- appellate procedure

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the court of appeals retained jurisdiction after the trial court granted a new trial while the appeal was pending.
2. Whether the appeal should be dismissed for lack of jurisdiction because the new-trial order eliminated the final judgment.

HOLDINGS

1. When the trial court grants a new trial, the prior judgment is no longer final, the appeal becomes moot, and the court of appeals loses jurisdiction over the appeal.

KEY QUOTATIONS

“[W]hen the trial court grants a motion for new trial, the court essentially wipes the slate clean and starts over.”

“When a motion for new trial is granted, the appeal becomes moot, and we lose jurisdiction over the appeal because there is no longer a final judgment.”

FACTUAL BACKGROUND

The trial court entered an order dismissing SignAd's counterclaims and treating the order as a final judgment. While the appeal was pending, the trial court granted a new trial on the issue of attorney fees. Because the new-trial order vacated the finality of the prior judgment, no final judgment remained for appellate review.

PROCEDURAL HISTORY

The trial court signed an August 10, 2025 order dismissing SignAd's counterclaims and resolving all issues between the parties. After SignAd filed its notice of appeal, the trial court granted appellees' motion for new trial on October 14, 2025. The court of appeals ordered SignAd to establish appellate jurisdiction; SignAd responded that the judgment was not final because a new trial had been granted. The court dismissed the appeal and dismissed all pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- Wilkins v. Methodist Health Care Sys., 160 S.W.3d 559, 563 (Tex. 2005)
- Wilganowski v. Hemphill, No. 01-25-00541-CV, 2025 WL 2446360, at *1 (Tex. App.—Houston [1st Dist.] Aug. 26, 2025, no pet.) (mem. op.)

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