

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.)

OPINION

PER CURIAM.

Opinion issued December 18, 2025 In The Court of Appeals For The First District of Texas NO. 01-25-00659-CV SIGNAD, LTD., Appellant V. STAN APOSTOLO A/K/A STANLEY W. APOSTOLO AND APOSTOLO & ASSOCIATES, INC., Appellees On Appeal from the 12th District Court Grimes County, Texas Trial Court Case No. 035586 MEMORANDUM OPINION Appellant, SignAd, Ltd., filed a notice of appeal from the trial court's August 10, 2025 "Order of Dismissal" of appellant's counterclaims, which "resolve[d] all issues between the parties," and was therefore a final judgment for purposes of appeal.

On November 7, 2025, appellant filed an "Unopposed Motion to Abate Appeal," stating that "[t]he trial court previously heard and granted a new trial on the single issue of attorney fees." The appellate record reflects that on October 14, 2025, the trial court signed an order granting the motion for new trial of appellees, Stan Apostolo, also known as Stanley W. Apostolo, and Apostolo & Associates, Inc. On November 18, 2025, the Court notified appellant that, pursuant to the trial court's order granting new trial, it appeared there was no longer a final judgment over which this Court had jurisdiction.

See *Wilkins v. Methodist Health Care Sys.*, 160 S.W.3d 559, 563 (Tex. 2005) ("[W]hen the trial court grants a motion for new trial, the court essentially wipes the slate clean and starts over."); *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.) ("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.").

The Court therefore directed appellant to, within ten days of the date of the order, file a written response establishing that this court had jurisdiction over the appeal. On December 2, 2025, in response to the Court's order, appellant filed a letter with the Court stating that appellant "agree[d] that the judgment... was not final because a [n]ew [t]rial was granted" and his "appeal should be dismissed for lack of jurisdiction." 2 We conclude that we lack jurisdiction over the appeal.

We therefore dismiss the appeal for lack of jurisdiction. See TEX. R. APP. P. 42.3(a), 43.2(f). All pending motions are dismissed as moot. PER CURIAM Panel consists of Chief Justice Adams and Justices Gunn and Johnson. 3