

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

Robert Epega and Million Dollar Transportation, LLC v. Bruckner
Truck Sales and Volvo Financial Services

No. 07-26-00281-CV · No. 07-26-00281-CV · Decided June 10, 2026

SUMMARY

The Seventh District Court of Appeals of Texas dismissed the appeal for want of jurisdiction because the appellants filed their notice of appeal after the deadline. The court also dismissed the appeal because the appellants failed to pay the required filing fee or seek permission to proceed without paying court costs.

CASE DETAILS

COURT	Court of Appeals for the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Per Curiam; Parker, C.J.; Yarbrough, J.; Pratt, J.
JURISDICTION	Court of Appeals for the Seventh District of Texas at Amarillo
DECIDED	June 10, 2026
DOCKET	07-26-00281-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from an order granting or otherwise ruling on Bruckner Truck Sales' motion for summary judgment.
STANDARD OF REVIEW	A timely notice of appeal is essential to invoke the appellate court's jurisdiction; the court dismissed for lack of jurisdiction without reaching the merits.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential status is identified as published in the supplied metadata.
PARTIES	Robert Epega, Million Dollar Transportation, LLC v. Bruckner Truck Sales, Volvo Financial Services

TOPICS

- appellate jurisdiction
- final judgment rule
- appellate procedure
- civil procedure
- summary judgment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the appellate court had jurisdiction when appellants filed their notice of appeal after the applicable ninety-day deadline.
2. Whether the appeal should be dismissed because appellants failed to pay the required filing fee or obtain an exemption from court costs.

HOLDINGS

1. The court lacked jurisdiction because appellants filed their notice of appeal after the ninety-day deadline applicable when a timely motion for new trial was filed.
2. The appeal was also subject to dismissal because appellants failed to pay the required filing fee and did not seek leave to proceed without payment of court costs.

KEY QUOTATIONS

“A timely notice of appeal is essential to invoking this Court’s jurisdiction.” (2)

“Accordingly, we dismiss this untimely appeal for want of jurisdiction and because Appellants failed to pay the requisite filing fee.” (2)

FACTUAL BACKGROUND

The trial court signed an order concerning Bruckner Truck Sales' motion for summary judgment on January 16, 2026. Appellants filed a timely motion for new trial, but filed their notice of appeal on May 18, 2026, after the April 16 deadline, and failed to pay the required filing fee or seek permission to proceed without paying court costs.

PROCEDURAL HISTORY

The 47th District Court of Potter County signed the summary judgment order on January 16, 2026. Appellants timely filed a motion for new trial, making the notice of appeal due April 16, 2026, but filed the notice on May 18, 2026. The court notified appellants of the untimeliness and separately notified them that failure to pay the filing fee or obtain an exemption would result in dismissal; appellants did neither and did not respond regarding jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Verburgt v. Dorner, 959 S.W.2d 615, 616-17 (Tex. 1997)

OPINION

Robert Epega and Million Dollar Transportation, LLC v. Bruckner Truck Sales

PER CURIAM.

In The Court of Appeals Seventh District of Texas at Amarillo No. 07-26-00281-CV

ROBERT EPEGA AND MILLION DOLLAR TRANSPORTATION, LLC, APPELLANTS

V.

BRUCKNER TRUCK SALES AND VOLVO FINANCIAL SERVICES, APPELLEES

On Appeal from the 47th District Court Potter County, Texas Trial Court No. 112767-A-CV,

Honorable Dee Johnson, Presiding June 10, 2026

MEMORANDUM OPINION

Before PARKER, C.J., and YARBROUGH and PRATT, JJ. Appellants, Robert Epega and Million Dollar Transportation, LLC, appeal from the trial court's Order on Defendant Bruckner Truck Sales' Motion for Summary Judgment. Because Appellants filed a late notice of appeal and failed to pay the required filing fee, we dismiss the appeal. The trial court signed the summary judgment order on January 16, 2026. Because Appellants timely filed a motion for new trial, their notice of appeal was due within ninety days after the order was signed, by April 16, 2026. See TEX. R. APP. P. 26.1(a). Appellants filed a notice of appeal on May 18, 2026. A timely notice of appeal is essential to invoking this Court's jurisdiction. See TEX. R. APP. P. 25.1(b), 26.1; *Verburgt v. Dorner*, 959 S.W.2d 615, 616–17 (Tex. 1997). By letter of May 20, 2026, we notified Appellants that their notice of appeal appeared untimely and directed them to show how we have jurisdiction over the appeal by June 1, 2026. To date, Appellants have not filed a response or had any further communication with the Court. Appellants also failed to pay the required filing fee upon filing a notice of appeal. By letter of May 19, 2026, we notified Appellants that unless they were excused from paying court costs under Rule of Appellate Procedure 20.1, failure to pay the filing fee by May 29, 2026, would result in dismissal of the appeal. Appellants have yet to pay the filing fee or seek leave to proceed without payment of court costs. Accordingly, we dismiss this untimely appeal for want of jurisdiction and because Appellants failed to pay the requisite filing fee. See TEX. R. APP. P. 42.3(a), (c). Per Curiam 2