

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

Gary Taylor v. SeaHarbor Insurance and Mariam Abdalla

No. 02-26-00232-CV (Tex. App.—Fort Worth May 28, 2026) · No. 02-26-00232-CV · Decided May 28, 2026

SUMMARY

The Texas Court of Appeals for the Second Appellate District dismissed Gary Taylor’s appeal for want of jurisdiction. The court held that the order granting SeaHarbor Insurance’s Rule 91a motion did not dispose of Taylor’s claims against co-defendant Mariam Abdalla and 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	Birdwell, J.; Bassel, J.; Womack, J.
JURISDICTION	Court of Appeals for the Second Appellate District of Texas at Fort Worth
DECIDED	May 28, 2026
DOCKET	02-26-00232-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Taylor appealed an order granting SeaHarbor Insurance's Texas Rule of Civil Procedure 91a motion to dismiss. The court of appeals dismissed the appeal for want of jurisdiction because the order was neither a final judgment nor an appealable interlocutory order.
STANDARD OF REVIEW	De novo jurisdictional review; the court determines its appellate jurisdiction from the record and applicable statutes governing final judgments and appealable interlocutory orders.
PRECEDENTIAL VALUE	Published Texas Court of Appeals memorandum opinion; the supplied metadata identifies the opinion as published.
PARTIES	Gary Taylor v. SeaHarbor Insurance, Mariam Abdalla

TOPICS

- appellate jurisdiction
- final judgment rule
- interlocutory appeal
- appellate procedure
- civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

insurance

QUESTIONS PRESENTED

1. Whether the trial court's order granting SeaHarbor Insurance's Rule 91a motion to dismiss was a final judgment appealable as of right when claims against co-defendant Mariam Abdalla remained pending.
2. Whether the order was an appealable interlocutory order under Texas Civil Practice and Remedies Code section 51.014(a).

HOLDINGS

1. An order granting a Rule 91a motion to dismiss is not a final judgment when it does not dispose of all claims and parties and does not clearly and unequivocally state that it finally disposes of all claims and parties.
2. An order granting a Rule 91a motion to dismiss is not an appealable interlocutory order under Texas Civil Practice and Remedies Code section 51.014(a).
3. The appeal must be dismissed for want of jurisdiction because the challenged order was neither a final judgment nor an appealable interlocutory order.

KEY QUOTATIONS

“Because it is not a final judgment or an appealable interlocutory order, we dismiss this appeal for want of jurisdiction.” (at 1)

“A final judgment is one that disposes of every pending claim and party or that “clearly and unequivocally states that it finally disposes of all claims and all parties.”” (at 1)

FACTUAL BACKGROUND

Taylor sued SeaHarbor Insurance and Mariam Abdalla. The trial court's order granted SeaHarbor's Rule 91a motion to dismiss but did not dispose of Taylor's claims against Abdalla, who remained a pending party. After the appellate court warned Taylor that the appeal might be jurisdictionally defective, he did not respond.

PROCEDURAL HISTORY

Taylor sued SeaHarbor Insurance and Mariam Abdalla in County Court at Law No. 1 of Tarrant County. The trial court granted SeaHarbor's Rule 91a motion to dismiss but did not address Taylor's claims against Abdalla. The court of appeals notified Taylor of its jurisdictional concern, but he filed no response, and the court dismissed the appeal.

DISPOSITION

dismissed

CASES CITED

- Lehmann v. Har-Con Corp., 39 S.W.3d 191, 195, 205 (Tex. 2001)
- Gaff v. PHH Mortg. Corp., No. 02-24-00486-CV, 2025 WL 1478175, at *3 (Tex. App.—Fort Worth May 22, 2025, no pet.)

OPINION

PER CURIAM.

In the Court of Appeals Second Appellate District of Texas at Fort Worth
_____ No. 02-26-00232-CV _____ GARY
TAYLOR, Appellant V. SEAHARBOR INSURANCE AND MARIAM ABDALLA, Appellees On
Appeal from County Court at Law No. 1 Tarrant County, Texas Trial Court No. 2025-010054-1
Before Birdwell, Bassel, and Womack, JJ. Per Curiam Memorandum Opinion MEMORANDUM
OPINION Appellant Gary Taylor, proceeding pro se, attempts to appeal the trial court’s order
granting Appellee SeaHarbor Insurance’s Rule 91a motion to dismiss and dismissing Taylor’s
claims against SeaHarbor.

Because it is not a final judgment or an appealable interlocutory order, we dismiss this appeal for want of jurisdiction. We have jurisdiction to consider appeals only from final judgments and from certain interlocutory orders made immediately appealable by statute. See *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001); see also Tex. Civ. Prac. & Rem.

Code § 51.014(a). A final judgment is one that disposes of every pending claim and party or that “clearly and unequivocally states that it finally disposes of all claims and all parties.” See *Lehmann*, 39 S.W.3d at 205. Unless a statutory exception applies, an order that does not dispose of all pending parties and claims remains interlocutory and unappealable until the trial court signs a final judgment.

See *id.* An order granting a Rule 91a motion to dismiss has not been designated as an appealable interlocutory order. See Tex. Civ. Prac. & Rem. Code § 51.014(a). Taylor sued SeaHarbor and another defendant, Mariam Abdalla.

The order from which Taylor attempts to appeal does not address Taylor’s claims against Abdalla, and the trial court clerk has confirmed that Abdalla has not been disposed of but remains a pending party. After we received Taylor’s notice of appeal, we notified him of our concern that we may not have jurisdiction over his appeal because the order from which he attempts to appeal does not appear to be a final judgment or an 2 appealable interlocutory order.

We warned him that unless he filed a response by May 4, 2026, showing grounds for continuing the appeal, it could be dismissed for want of jurisdiction. See Tex. R. App. P. 42.3(a), 44.3. Taylor did not file a response.

Because the order from which Taylor 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); Gaff v. PHH Mortg. Corp., No. 02-24- 00486-CV, 2025 WL 1478175, at *3 (Tex. App.—Fort Worth May 22, 2025, no pet.) (dismissing for want of jurisdiction appeal from order that granted Rule 91a motion to dismiss but did not dismiss all parties).

Per Curiam Delivered: May 28, 2026 3