

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

EZ Automotive and Towing SVC LLC v. Recaman Auto Group

No. 07-25-00140-CV (Tex. App.—Amarillo Apr. 22, 2026) · No. No. 07-25-00140-CV · Decided April 22, 2026

SUMMARY

The Seventh District Court of Appeals dismissed EZ Automotive and Towing SVC LLC’s appeal for want of jurisdiction because the trial court’s summary judgment did not dispose of Recaman Auto Group’s pending attorney’s-fees claim. The court held that the order was not final and that no statute authorized an interlocutory appeal.

CASE DETAILS

COURT	Court of Appeals for the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	DOSS, J.; YARBROUGH, J.; PRATT, J.
JURISDICTION	Court of Appeals for the Seventh District of Texas at Amarillo
DECIDED	April 22, 2026
DOCKET	No. 07-25-00140-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a summary-judgment order in a declaratory-judgment action.
STANDARD OF REVIEW	De novo review of appellate jurisdiction and whether the trial court's order is final and appealable.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential status is not otherwise specified in the opinion text.
PARTIES	EZ Automotive and Towing SVC LLC v. Recaman Auto Group

TOPICS

- appellate jurisdiction
- final judgment rule
- interlocutory appeal
- appellate procedure
- commercial litigation

PRACTICE AREAS

- appellate procedure
- civil procedure
- commercial litigation

QUESTIONS PRESENTED

1. Whether the trial court's summary-judgment order was a final, appealable judgment when it did not dispose of the pending attorney's-fee request.
2. Whether any statute authorized an interlocutory appeal from the nonfinal summary-judgment order.

HOLDINGS

1. The summary-judgment order was not final because it neither disposed of Recaman's pending attorney's-fee request nor clearly and unequivocally stated that it finally disposed of all claims and parties.
2. The court lacked jurisdiction because no statute authorized an appeal from the interlocutory summary-judgment order.

KEY QUOTATIONS

“[W]hen there has not been a conventional trial on the merits, an order or judgment is not final for purposes of appeal unless it actually disposes of every pending claim and party or unless it clearly and unequivocally states that it finally disposes of all claims and all parties.”

FACTUAL BACKGROUND

Recaman Auto Group brought a declaratory-judgment action against EZ Automotive concerning ownership of a Chevrolet Silverado and sought attorney's fees under the Uniform Declaratory Judgments Act. Recaman moved for summary judgment on its declaratory claim but reserved its attorney's-fee request for later determination. The trial court granted summary judgment on the declaratory claim without disposing of the fee request and without stating that the judgment finally disposed of all claims and parties.

PROCEDURAL HISTORY

Recaman sued EZ Automotive for a declaratory judgment concerning ownership of a Chevrolet Silverado and requested attorney's fees. The trial court granted summary judgment on the declaratory claim but expressly left Recaman's attorney's-fee request unresolved. EZ Automotive appealed, and the appeal was transferred from the Second Court of Appeals to the Seventh Court of Appeals pursuant to the Texas Supreme Court's docket-equalization efforts. After notifying EZ Automotive of the apparent jurisdictional defect, the court received no response and dismissed the appeal for want of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195, 205–06 (Tex. 2001)
- *Stary v. DeBord*, 967 S.W.2d 352, 352–53 (Tex. 1998) (per curiam)
- *Sealy Emerg. Room, L.L.C. v. Free Standing Emerg. Room Managers*, 685 S.W.3d 816, 825 (Tex. 2024)

OPINION

PER CURIAM.

In The Court of Appeals Seventh District of Texas at Amarillo No. 07-25-00140-CV EZ AUTOMOTIVE AND TOWING SVC LLC, APPELLANT V. RECAMAN AUTO GROUP, APPELLEE On Appeal from the County Court at Law No. 2 Denton County, Texas Trial Court No. CV2024-03300, Honorable Robert Ramirez, Presiding April 22, 2026 MEMORANDUM OPINION Before DOSS and YARBROUGH and PRATT, JJ. Appellant, EZ Automotive and Towing SVC LLC, appeals from the trial court's Summary Judgment.¹ Because there is no final, appealable judgment, we dismiss the appeal the appeal for want of jurisdiction.

¹ Originally appealed to the Second Court of Appeals, this appeal was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. See TEX. GOV'T CODE § 73.001. Appellee, Recaman Auto Group, filed suit against EZ Automotive, seeking a declaratory judgment regarding ownership of a Chevrolet Silverado and requesting attorney's fees pursuant to the Uniform Declaratory Judgment Act.

See TEX. CIV. PRAC. & REM. § 37.009. Recaman later moved for summary judgment on its declaratory claim but expressly reserved its request for attorney's fees for later determination. The trial court granted summary judgment in Recaman's favor, but it did not dispose of its claim for attorney's fees. Appellate courts have jurisdiction to hear appeals from final judgments or from interlocutory orders made immediately appealable by statute.

See *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001); *Stary v. DeBord*, 967 S.W.2d 352, 352–53 (Tex. 1998) (per curiam). “[W]hen there has not been a conventional trial on the merits, an order or judgment is not final for purposes of appeal unless it actually disposes of every pending claim and party or unless it clearly and unequivocally states that it finally disposes of all claims and all parties.” *Lehmann*, 39 S.W.3d at 205–06.

Here, the Summary Judgment order contains no finality language and does not dispose of all claims. When a party requests a mandatory or discretionary award of attorney's fees, the trial court must expressly dispose of the fee request to render a final judgment. See *Sealy Emerg. Room, L.L.C. v. Free Standing Emerg. Room Managers*, 685 S.W.3d 816, 825 (Tex. 2024).

Because the trial court did not dispose of Recaman's fee request, the summary judgment is not final. See *id.* Further, no statute authorizes an appeal from this interlocutory order. ² By letter of March 27, 2026, we informed EZ Automotive of the apparent jurisdictional defect and directed it to show grounds for continuing the appeal by April 6, 2026, or risk dismissal of the appeal.

EZ Automotive has not responded to our letter. Accordingly, we conclude that no final judgment or appealable order is before us and dismiss the appeal for want of jurisdiction. See TEX. R. APP. P. 42.3(a). Per Curiam 3

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