

**DISMISS and Opinion Filed August 27, 2019**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-19-00715-CV**

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**ISABELLE EDWARDS, Appellant  
V.  
PANDA EXPRESS INC., Appellee**

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**On Appeal from the 95th District Court  
Dallas County, Texas  
Trial Court Cause No. DC-18-18346**

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**MEMORANDUM OPINION**

Before Justices Schenck, Osborne, and Reichek  
Opinion by Justice Reichek

Isabelle Edwards appeals the trial court's June 6, 2019 order granting defendant's motion to compel responses to disclosure and discovery requests. After the clerk's record was filed, we notified the parties we had concerns regarding our jurisdiction. We asked for jurisdictional letter briefs, and cautioned appellant that the failure to respond could result in our dismissing the case. To date, no responses have been filed.

A necessary prerequisite to invoking the jurisdiction of the court of appeals is that, in the absence of a statute to the contrary, the appeal must be from a final, appealable judgment. *See* TEX. CIV. PRAC. & REM. CODE § 51.014; *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). Discovery orders are interlocutory in nature and therefore not appealable until after a final judgment is entered. *See Pelt v. State Bd. of Ins.*, 802 S.W.2d 822, 827 (Tex. App.—Austin 1990,

no writ) (“It has long been held that a discovery order is interlocutory in nature and therefore non-appealable, in the absence of express statutory authority, until after final judgment may be rendered on the merits of the primary dispute.”); *Liu v. Stull*, No. 05-16-00024-CV, 2016 WL 1213382, at \*1 (Tex. App.—Dallas Mar. 29, 2016, no pet.) (mem. op.) (concluding court lacked jurisdiction over interlocutory appeal of discovery granting motion to compel discovery); *see also In re Nat’l Lloyds Ins. Co.*, 449 S.W.3d 486, 488 (Tex. 2014) (orig. proceeding) (per curiam) (discovery order is reviewable for abuse of discretion for which mandamus is appropriate remedy).

Edwards is challenging the trial court’s order on a discovery matter. However, she filed a notice of appeal, not a petition for writ of mandamus. Because the discovery order Edwards challenges is not an appealable interlocutory order, we dismiss this appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Amanda L. Reichek/  
AMANDA L. REICHEK  
JUSTICE

190715F.P05



**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

ISABELLE EDWARDS, Appellant

No. 05-19-00715-CV      V.

PANDA EXPRESS INC., Appellee

On Appeal from the 95th District Court,  
Dallas County, Texas

Trial Court Cause No. DC-18-18346.

Opinion delivered by Justice Reichel,

Justices Schenck and Osborne participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

Judgment entered August 27, 2019