

DISMISS and Opinion Filed October 7, 2019



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-01046-CV

ALICE SPENCER CHAPPELL, Appellant

V.

CITY OF BALCH SPRINGS, A TEXAS MUNICIPALITY; SHAILA LYNN GAY, IN
HER INDIVIDUAL AND OFFICIAL CAPACITIES; JONATHAN HABER, IN HIS
INDIVIDUAL AND OFFICIAL CAPACITIES; AND JOHN DOE SUPERVISORS 1-5.,
IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES, Appellees

On Appeal from the 68th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-19-01887

MEMORANDUM OPINION

Before Justices Pedersen, III, Reichel, and Carlyle
Opinion by Justice Reichel

By letter dated September 10, 2019, the Court questioned its jurisdiction over this appeal because there does not appear to be a final judgment or other appealable order. At the request of the Court, the parties filed letter briefs addressing its concern.

Generally, appellate courts have jurisdiction only over appeals from final judgments and certain interlocutory orders as permitted by statute. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001); TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a). A final judgment is one that disposes of all parties and claims. *See Lehmann*, 39 S.W.3d at 195.

Appellant sued the City of Balch Springs, Shaila Lynn Gay, Jonathan Haber, and John Doe Supervisors 1-5. Three of the defendants, the City, Ms. Gay, and Mr. Haber, filed a Rule 91a

motion to dismiss. The trial court granted the motion and dismissed appellant's claims against those three defendants. Appellant's claims against John Doe Supervisors 1-5 remain pending. In her letter brief, appellant concedes that this Court lacks jurisdiction over this appeal.

Because the appealed order does not dispose of all parties and claims and is not otherwise subject to an interlocutory appeal, we dismiss this appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Amanda L. Reichek/
AMANDA L. REICHEK
JUSTICE

191046F.P05



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

JUDGMENT

ALICE SPENCER CHAPPELL, Appellant

No. 05-19-01046-CV V.

CITY OF BALCH SPRINGS, A TEXAS MUNICIPALITY; SHAILA LYNN GAY, IN HER INDIVIDUAL AND OFFICIAL CAPACITIES; JONATHAN HABER, IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES; AND JOHN DOE SUPERVISORS 1-5, IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES, Appellees

On Appeal from the 68th Judicial District Court, Dallas County, Texas
Trial Court Cause No. DC-19-01887.
Opinion delivered by Justice Reichek.
Justices Pedersen, III and Carlyle participating.

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

It is **ORDERED** that appellees, CITY OF BALCH SPRINGS, A TEXAS MUNICIPALITY; SHAILA LYNN GAY, IN HER INDIVIDUAL AND OFFICIAL CAPACITIES; JONATHAN HABER, IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES; AND JOHN DOE SUPERVISORS 1-5, IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES, recover their costs of this appeal from appellant ALICE SPENCER CHAPPELL.

Judgment entered October 7, 2019