

DISMISS and Opinion Filed November 14, 2019



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

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No. 05-19-01238-CV

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**JIGNESH PATEL AND SMITA LAD, Appellants**

**V.**

**SHLOK KRISHNA RONAK, LLC D/B/A SAM'S TOBACCO TOWN AND  
D/B/A CHEVRON GAS STATION, RONAK SHAH, RAMESH PATEL,  
AND KRISHNA SHAH, Appellees**

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**On Appeal from the County Court at Law No. 3  
Dallas County, Texas  
Trial Court Cause No. CC-19-00723-C**

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**MEMORANDUM OPINION**

Before Chief Justice Burns, Justice Molberg, and Justice Nowell  
Opinion by Chief Justice Burns

The Court questioned its jurisdiction over this appeal as there did not appear to be a final judgment or other appealable order. We instructed appellants to file, by November 4, 2019, a letter brief addressing the Court's concern and cautioned that failure to do so may result in dismissal of the appeal without further notice. As of today's date, appellants have not complied.

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). A final judgment is one that disposes of all parties and claims. *See Lehman*, 39 S.W.3d at 195.

The trial court signed an interlocutory order granting appellees' motion to dismiss certain claims pursuant to the Texas Citizens' Participation Act and awarded attorneys' fees. Appellants filed a motion for new trial and for rehearing on the attorneys' fee award. In their notice of appeal, appellants state they are appealing the trial court's interlocutory order denying their motion for new trial and for rehearing. This order is neither a final order nor an appealable interlocutory order. *See* TEX. CIV. PRAC. & REM. CODE ANN. §§ 27.003; 27.008; 51.014(a)(12) (only denial of motion to dismiss pursuant to section 27.003 is subject to an interlocutory appeal). For this reason, we dismiss this appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Robert D. Burns, III/  
ROBERT D. BURNS, III  
CHIEF JUSTICE

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

**JUDGMENT**

JIGNESH PATEL AND SMITA LAD,  
Appellants

No. 05-19-01238-CV      V.

SHLOK KRISHNA RONAK, LLC D/B/A  
SAM'S TOBACCO TOWN AND D/B/A  
CHEVRON GAS STATION,  
RONAK SHAH, RAMESH PATEL,  
AND KRISHNA SHAH, Appellees

On Appeal from the County Court at Law  
No. 3, Dallas County, Texas  
Trial Court Cause No. CC-19-00723-C.  
Opinion delivered by Chief Justice Burns.  
Justices Molberg and Nowell participating.

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

It is **ORDERED** that appellees SHLOK KRISHNA RONAK, LLC D/B/A SAM'S TOBACCO TOWN AND D/B/A CHEVRON GAS STATION, RONAK SHAH, RAMESH PATEL, AND KRISHNA SHAH recover their costs of this appeal from appellants JIGNESH PATEL AND SMITA LAD.

Judgment entered November 14, 2019