

Appeal Dismissed and Memorandum Opinion filed December 12, 2023.



In The

Fourteenth Court of Appeals

NO. 14-23-00650-CV

J.B. FIDELIS, Appellant

V.

JP MORGAN CHASE BANK & CO. D/B/A CHASE BANK, Appellee

**On Appeal from the 151st District Court
Harris County, Texas
Trial Court Cause No. 2022-76311**

MEMORANDUM OPINION

This is an appeal from a judgment signed August 17, 2023. By its terms, the judgment dismissed all of appellant's claims against appellee while awarding appellee reasonable and necessary attorney's fees and costs. However, the judgment did not reduce the award of fees and costs to a sum certain, but rather specified that appellee's counsel could provide a supplemental motion for summary judgment as to fees and costs. As near as can be determined from the appellate record, the trial court has not yet awarded a specific amount of fees and costs or otherwise resolved

that issue. Accordingly, the judgment is interlocutory rather than final, and it is accordingly not appealable. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 200 (Tex. 2001) (“A judgment that finally disposes of all remaining parties and claims, based on the record in the case, is final, regardless of its language.”); *McLernon v. Dynege, Inc.*, 347 S.W.3d 315, 322 (Tex. App.—Houston [14th Dist.] 2011, no pet.) (acknowledging that a judgment awarding relief must incorporate “language ordering recovery of a sum certain” in order to be a final judgment). The appealed-from judgment also lacks any apparent basis for being immediately appealable. *See CMH Homes v. Perez*, 340 S.W.3d 444, 447 (Tex. 2011) (acknowledging the general rule that “interlocutory orders are not immediately appealable”).

On September 15, 2023, the parties were informed the appeal was subject to dismissal without further notice for want of jurisdiction unless any party demonstrated by September 25, 2023 that this court had jurisdiction. *See* Tex. R. App. P. 42.3(a). The parties’ responses do not demonstrate this court can properly exercise jurisdiction over this appeal.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Christopher and Justices Hassan and Wilson.