

**Petition Dismissed; Motion Dismissed as Moot; and Memorandum Opinion  
filed October 31, 2023**



**In The  
Fourteenth Court of Appeals**

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**NO. 14-23-00824-CV**

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**PROGRESSIVE COUNTY MUTUAL INSURANCE COMPANY, Appellant**

**V.**

**CONRADO SALDIVAR, JR. AND ALMA DELIA SALDIVAR, Appellees**

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**On Appeal from the 152nd District Court  
Harris County, Texas  
Trial Court Cause No. 2020-68060**

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**MEMORANDUM OPINION**

Appellant Progressive County Mutual Insurance Company (“Progressive”) brings a petition for permission to appeal an interlocutory order that is not otherwise appealable.

Texas Rule of Appellate Procedure 28.3(c) provides that “[t]he petition must be filed within 15 days after the order to be appealed is signed.” Tex. R. App. 28.3(c). Under Rule 28.3(d), “[t]he court of appeals may extend the time to file the petition if the party: (1) files the petition within 15 days after the deadline, and (2) files a motion complying with Rule 10.5(b).” *Id.* 28.3(d).

The order Progressive attempts to appeal was signed by the trial court on April 4, 2023. The deadline for Progressive to have filed its petition in this court was April 19, 2023. *See id.* 28.3(c). The deadline for Progressive to have filed a motion for extension time to file the petition was fifteen days later. *See id.* 28.3(d). Progressive did not file its petition and its motion to extend until October 30, 2023. Although requested by Progressive, the trial court has not signed an amended order to restart the deadlines.<sup>1</sup> *See id.* 28.3(c); *see also Progressive Cnty. Mut. Ins. Co. v. Dowdy*, No. 01-20-00817-CV, 2022 WL 1572044, at \*4 (Tex. App.—Houston [1st Dist.] May 19, 2022, no pet.) (per curiam) (mem. op). Because the petition and motion were filed after the statutory deadlines, this court lacks jurisdiction. *See Kline v. Legacy Tr. Co., NA*, No. 14-17-00264-CV, 2017 WL 1512245 (Tex. App.—Houston [14th Dist.] Apr. 25, 2017, no pet.) (per curiam) (mem. op.).

Accordingly, we dismiss Progressive’s petition for permission to bring an interlocutory appeal for want of jurisdiction. Progressive’s motion to extend time to file the petition is dismissed as moot.

#### PER CURIAM

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

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<sup>1</sup> On September 28, 2023 the trial court signed an order granting Progressive permission for interlocutory appeal. This order does not comply with Rule 168 of the Texas Rules of Civil Procedure.