



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00088-CV

R&RC, LLC and Ramiro C. Ramirez,
Appellants

v.

BEXAR TRADING COMPANY,
Appellee

From the 45th Judicial District Court, Bexar County, Texas
Trial Court No. 2010-CI-20550
Honorable Barbara Hanson Nellerhoe, Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Karen Angelini, Justice
Santee Bryan Marion, Justice

Delivered and Filed: September 18, 2013

DISMISSED FOR LACK OF JURISDICTION

On August 19, 2013, appellee filed a motion to dismiss this appeal, asserting the judgment is not a final judgment because the trial court has not determined the amount of attorneys' fees to be awarded. After examining the record, this court issued an order on August 21, 2013, requiring appellants to file a response to appellee's motion no later September 3, 2013.

On September 4, 2013, appellee filed a motion for extension of time to file its brief, requesting that the deadline for filing its brief be extended until after this court rules on its motion to dismiss. The appellee's motion stated that appellants indicated to appellee that they did not

intend to respond to this court's order. In response to an inquiry by a deputy clerk regarding the status of the appellants' response to this court's order, appellants' attorney stated that he agreed that the judgment was not final and the appeal was prematurely filed. Because no final judgment has been signed in the underlying cause, this appeal is dismissed for lack of jurisdiction. *See Houston Health Clubs, Inc. v. First Court of Appeals*, 722 S.W.2d 692, 693 (Tex. 1986); *Northeast Indep. Sch. Dist. v. Aldridge*, 400 S.W.2d 893, 895 (Tex. 1966). Costs of the appeal are taxed against appellants.

PER CURIAM