

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-09-00056-CV

CITY OF PORT ARTHUR, Appellant

V.

**PLEASURE ISLAND MARINER'S COVE HOMEOWNERS
ASSOCIATION INC., ET AL., Appellees**

**On Appeal from the 60th District Court
Jefferson County, Texas
Trial Cause No. B-176,606**

MEMORANDUM OPINION

On February 26, 2009, this Court questioned our jurisdiction over the appeal and instructed the parties to file written responses. One of the appellees, William Worsham, filed a response in which he contends no final order or appealable interlocutory order has been signed. The appellant amended its notice of appeal and has filed a “motion for jurisdictional determination.”

A judgment is not final “unless it actually disposes of every pending claim and party or unless it clearly and unequivocally states that it finally disposes of all claims and all parties.” *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 205 (Tex. 2001). The trial court held a hearing at which no evidence was taken, but has not conducted a conventional trial on the merits. Worsham filed a suit for declaratory judgment and injunctive relief against the City of Port Arthur and the Pleasure Island Commission. The record reflects Worsham resolved his claims against the Commission, other than his claim for attorneys’ fees. The order entered on the agreement between Worsham and the Commission makes certain findings regarding the City, but some of Worsham’s claims against the City have not been resolved by this order or by any of the trial court’s orders on motions for summary judgment. The orders identified by the parties do not dispose of the request for affirmative relief filed by an intervening party, Diana Morris. Some of the parties’ requests for attorneys’ fees have not been resolved by written order. The trial court did not conduct a conventional trial on the merits and did not rule on all of the claims before the court. The order does not contain clear and unequivocal language of finality. No final judgment has been signed; accordingly, this Court lacks jurisdiction over the appeal. The appeal is therefore dismissed. *See* TEX. R. APP. P. 43.2(f).

APPEAL DISMISSED.

PER CURIAM

Opinion Delivered April 23, 2009

Before Gaultney, Kreger, and Horton, JJ.