

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00023-CV

**ERIC C. SMALLEY, INDEPENDENT ADMINISTRATOR OF THE ESTATE OF
JOHN HUBERT SMALLEY III, Appellant**

V.

LISA M. SMALLEY, Appellee

**On Appeal from the County Court at Law No. 1
Montgomery County, Texas
Trial Cause No. 10-07-07970 CV**

MEMORANDUM OPINION

Appellee, Lisa M. Smalley, filed a motion to dismiss the appeal of Eric C. Smalley, Independent Administrator of the Estate of John Hubert Smalley III, from an order signed by the trial court on January 4, 2011. The trial court's order granted a motion for summary judgment but expressly reserved the issue of attorneys' fees for trial.

Claims remain unresolved in the trial court. Thus, the trial court's order is not appealable as a final judgment. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195

(Tex. 2001). Appellant supplied no authority that supports the exercise of appellate jurisdiction at this time. Accordingly, we dismiss the appeal for lack of jurisdiction.

APPEAL DISMISSED.

DAVID GAULTNEY
Justice

Opinion Delivered February 24, 2011

Before McKeithen, C.J., Gaultney and Kreger, JJ.