

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00497-CV

ELTON JAMES SENEGAL D/B/A ELTON'S CONSTRUCTION, Appellant

V.

LAWRENCE MCCLENDON AND JENNIFER MCCLENDON, Appellees

On Appeal from the 136th District Court
Jefferson County, Texas
Trial Cause No. D-182,653

MEMORANDUM OPINION

Elton James Senegal d/b/a Elton's Construction filed a notice of appeal of the denial of a motion to dismiss. The appellees, Lawrence McClendon and Jennifer McClendon, moved to dismiss this accelerated appeal for lack of jurisdiction. In response, Senegal argues that the order involves a controlling question of law as to which there is a substantial ground for difference of opinion.¹ *See* Tex. Civ. Prac. & Rem. Code

¹ Senegal argues the McClendons' claims must be dismissed because they failed to invoke the dispute resolution process of the former Texas Residential Construction Commission before suit commenced.

Ann. § 51.014(d) (West Supp. 2011). The trial court did not issue an order for an interlocutory appeal. *Id.* Moreover, section 51.014(d) does not give the appellate court discretion to permit an interlocutory appeal in the absence of compliance with the statute. *Id.*; *see also Watson v. Moray*, 133 S.W.3d 877, 878 (Tex. App.—Dallas 2004, mand. denied). Accordingly, the appeal must be dismissed for want of jurisdiction.

APPEAL DISMISSED.

CHARLES KREGER
Justice

Opinion Delivered December 15, 2011

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