



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-12-00265-CV

BIG ROCK INVESTORS ASSOCIATION

APPELLANT

V.

J.A. MCENTIRE, III, BIG ROCK
PETROLEUM, INC., GARY HANES,
AND BRANDY PYLES

APPELLEES

FROM THE 141ST DISTRICT COURT OF TARRANT COUNTY

MEMORANDUM OPINION¹

On May 31, 2012, the trial court granted both Appellee Big Rock Petroleum Inc.'s motion to reconsider its plea to the jurisdiction and its plea to the jurisdiction, dismissing the claims brought by Appellant Big Rock Investors Association (BRIA). According to the trial court clerk, the counterclaims brought

¹See Tex. R. App. P. 47.4.

against BRIA by Appellees Brandy Pyles and Gary Hanes remain pending in the trial court.

BRIA filed a notice of appeal, attempting to appeal from the trial court's May 31 order. We notified BRIA of our concern that we lacked jurisdiction over the appeal because the May 31 order did not appear to be final, in that it did not appear to dispose of all parties and did not appear to be an appealable interlocutory order. See Tex. R. App. P. 42.3(a); *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). We informed BRIA that its appeal was subject to dismissal for want of jurisdiction unless it or any party desiring to continue the appeal filed with the court a response showing grounds for continuing the appeal.

BRIA filed a response but did not address the counterclaims brought against it that remain pending in the trial court. Because the counterclaims remain pending, the May 31 order is interlocutory. And because BRIA has pointed us to no authority, and we have found none, allowing it to bring this appeal as an interlocutory appeal, we dismiss the appeal for want of jurisdiction. See Tex. R. App. P. 42.3(a), 43.2(f).

PER CURIAM

PANEL: MCCOY, MEIER, and GABRIEL, JJ.

DELIVERED: August 2, 2012