



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

**NO. 02-17-00328-CV**

ANGELO MOSES AND TIFFANY  
MOSES

APPELLANTS

V.

SIX FLAGS ENTERTAINMENT  
CORP.; SIX FLAGS THEME  
PARKS, INC.; SIX FLAGS OVER  
TEXAS, INC.; AND TEXAS FLAGS,  
LTD.

APPELLEES

-----  
FROM THE 96TH DISTRICT COURT OF TARRANT COUNTY  
TRIAL COURT NO. 096-279625-15  
-----

**MEMORANDUM OPINION<sup>1</sup>**

-----  
Appellants Angelo Moses and Tiffany Moses attempt to appeal the trial court's denial of their motion to quash Appellees Six Flags Entertainment Corp.; Six Flags Theme Park, Inc.; Six Flags Over Texas, Inc.; and Texas Flags, Ltd.'s

---

<sup>1</sup>See Tex. R. App. P. 47.4.

notices of intention to take their depositions and the trial court's denial of their motion for modification of local civil rule 3.11(a)(1).

By letter dated September 28, 2017, we notified Appellants of our concern that this court lacks jurisdiction over this appeal because the trial court's order does not appear to be a final judgment or an appealable interlocutory order. We notified Appellants that their appeal could be dismissed based on our lack of jurisdiction unless they or any party desiring to continue the appeal filed a response showing grounds for continuing the appeal by October 9, 2017. See Tex. R. App. P. 42.3(a), 44.3.

Appellants filed a response on October 9, 2017, but did not provide us with any basis of jurisdiction over this appeal. Instead, Appellants' response argues that this court has mandamus jurisdiction to review the trial court's order. Appellants' petition for writ of mandamus was a separate proceeding and was denied on September 29, 2017. *In re Moses*, No. 02-17-00327-CV, 2017 WL 4341840, at \*1 (Tex. App.—Fort Worth Sept. 29, 2017, orig. proceeding) (mem. op.).

Because we do not have jurisdiction over this appeal, we dismiss Appellants' appeal. See Tex. R. App. P. 42.3(a), 43.2(f); *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (stating that generally appeal may be

taken only from final judgment and that judgment is final and appealable if it disposes of all parties and all issues).<sup>2</sup>

/s/ Bonnie Sudderth

BONNIE SUDDERTH  
CHIEF JUSTICE

PANEL: SUDDERTH, C.J.; KERR and PITTMAN, JJ.

DELIVERED: November 2, 2017

---

<sup>2</sup>Appellants have also filed a Motion to Extend Time to File Notice of Appeal. This motion is rendered moot by our dismissal of the appeal for want of jurisdiction.