In The
Court of Appeals
Seventh District of Texas at Amarillo

No. 07-15-00440-CV

CABOT OIL & GAS CORPORATION, APPELLANT

V.

NEWFIELD EXPLORATION MID-CONTINENT, INC., AND SAMSON LONE STAR, LLC F/K/A SAMSON LS, LLC, APPELLEES

On Appeal from the 31st District Court
Wheeler County, Texas
Trial Court No. 12,769, Honorable Steven R. Emmert, Presiding

February 18, 2016

ORDER OF DISMISSAL

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Pending before the court is an appeal by Cabot Oil & Gas Corporation from an email. The email was sent by the trial court informing the parties of its action concerning motions for summary judgment filed by Newfield Exploration Mid-Continent, Inc. and Samson Lone Star, LLC f/k/a Samson LS, LLC.[1] Questioning whether this

[1] The substance of the email is as follows:

The Court makes the following ruling in the referenced case:

court had jurisdiction over the appeal, we directed the litigants to address the matter by February 4, 2016. Only Cabot complied with our directive and, in doing so, argued that the email constituted the rendition of a judgment. We disagree.

A judgment is rendered when the decision is officially announced orally in open court, by written memorandum filed with the clerk, or otherwise announced publicly. *Garza v. Tex. Alcoholic Bev. Comm'n*, 89 S.W.3d 1, 6 (Tex. 2002); *Genesis Prod. Co., L.P. v. Smith Big Oil Corp.*, 454 S.W.3d 655, 659 (Tex. App.—Houston [14th Dist.] 2014, no pet.); *Cadles of Grassy Meadow, II, LLC v. Herbert*, No. 07-09-00190-CV, 2010 Tex. App. LEXIS 3147, at *10 (Tex. App.—Amarillo April 27, 2010, no pet.) (mem. op.). Furthermore, to constitute an official judgment, the pronouncement must indicate an intent to render a full, final, and complete judgment at that point in time. *Cadles of Grassy Meadow, II, LLC*, 2010 Tex. App. LEXIS 3147, at *10. That is, the verbiage used, "whether spoken or written, must evince a present, as opposed to future, act that effectively decides the issues before the court." *Id.* at *11. And, no less is required of a rendition purporting to appear in a letter or email. *Genesis Prod. Co., L.P.,* 454 S.W.3d at 659-60 (holding that because of "the trial court's failure to file the email or otherwise announce its ruling publicly, as well as the differences between the email and the court's subsequent written ruling, we conclude that the email was not a rendition of judgment").

> Defendant Newfield Exploration Mid-Continent, Inc.'s Traditional and No Evidence Motion for Summary Judgment – GRANTED
>
> Samson Lone Star, LLC f/k/a Samson LS, LLC's Motion for Summary Judgment and No Evidence Motion for Summary Judgment – GRANTED

It also contains the style of the case and cause number. Though the name of the trial judge appears on the missive, his signature does not.

Finally, a judicial pronouncement simply specifying that a motion for summary judgment is granted falls short of being the rendition of a judgment. This is so because such language alone does "not express a specific settlement of rights between the parties" or "disclose the specific and final result officially condoned by and recognized under the law." *Mendoza v. Louisiana Stone, LLC*, No. 07-15-00133-CV, 2015 Tex. App. LEXIS 10789, at *2 (Tex. App.—Amarillo Oct. 20, 2015, no pet.) (mem. op.), *quoting, Disco Machine of Liberal Co. v. Payton*, 900 S.W.2d 71, 74 (Tex. App.—Amarillo 1995, writ denied). With this said, we turn to the circumstances at bar.

Nothing before us indicates that the email in question was filed of record. Nor do we have indication that the decision to grant the summary judgments was announced publically or in open court. Moreover, the email simply discloses that the trial court "granted" two summary judgments; nowhere does it express a specific settlement of the rights involved or disclose a specific and final result officially condoned by and recognized under the law. Consequently, the email purportedly sent by the trial court was and is not a rendition of a final judgment. And, having no basis to conclude that some exception to the need for a final judgment exists before we gain jurisdiction over an appeal, we dismiss this appeal for want of jurisdiction.

Per Curiam