



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

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No. 07-20-00282-CV

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**EDWARD JAMES MITSCHKE, JR., INDIVIDUALLY AND AS REPRESENTATIVE  
OF THE ESTATE OF CODY MITSCHKE, DECEASED, APPELLANT**

**V.**

**BRISTEN BEHRENS, JUSTIN BEHRENS,  
AND TIMOTHY LEE TIMMERMAN, APPELLEES**

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On Appeal from the 335th District Court  
Lee County, Texas  
Trial Court No. 16,735, Honorable Carson Campbell, Presiding

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February 3, 2021

**MEMORANDUM OPINION**

Before QUINN, C.J., and PARKER and DOSS, JJ.

Appellant Edward James Mitschke, Jr., individually and as representative of the estate of Cody Mitschke, deceased, filed two notices of appeal from the trial court's *Order Granting the Motions for Summary Judgment of Defendants Borromeo and Blackjack*

*Ranch L.E.E., LLC.*<sup>1</sup> One notice of appeal was filed in the original trial court cause; the other was filed in the severed cause. This appeal arises from the notice filed in the original cause.<sup>2</sup> We dismiss for want of jurisdiction.

We have jurisdiction to hear an appeal from a final judgment or an interlocutory order made immediately appealable by statute. See *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001); *Stary v. DeBord*, 967 S.W.2d 352, 352-53 (Tex. 1998) (per curiam). When the trial court severed the claims against Borromeo and Blackjack Ranch, the order granting summary judgment became final for purposes of appeal in the severed cause. See *Park Place Hosp. v. Estate of Milo*, 909 S.W.2d 508, 510 (Tex. 1995). However, Mitschke's claims against other defendants remain pending in the original cause.

By letter of November 9, 2020, we notified Mitschke that it did not appear from the record that a final judgment or appealable order had been issued by the trial court in the original cause and directed him to show how we have jurisdiction over the appeal. Mitschke filed a response but did not demonstrate grounds for continuing the appeal.

Accordingly, we dismiss this appeal for want of jurisdiction. See TEX. R. APP. P. 42.3(a).

Per Curiam

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<sup>1</sup> Originally appealed to the Third Court of Appeals, the appeals were transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. See TEX. GOV'T CODE ANN. § 73.001 (West 2013).

<sup>2</sup> The appeal filed in the severed cause is docketed as appellate cause 07-20-00283-CV.