



**IN THE
TENTH COURT OF APPEALS**

No. 10-17-00373-CV

TANYA MARIE COX,

Appellant

v.

HUNTER WEBB AND ARNOLD GERIK,

Appellees

**From the 170th District Court
McLennan County, Texas
Trial Court No. 2016-1337-4**

MEMORANDUM OPINION

On November 13, 2017, appellant, Tanya Marie Cox, filed a notice of appeal in this matter purportedly challenging an order signed by the trial court on October 27, 2017. However, attached to her notice of appeal is an order signed by the trial court on October 16, 2017, whereby the trial court denied traditional and no-evidence motions for summary judgment filed by appellee, Arnold Gerik. Additionally, appellant's notice of appeal refers to the trial court cause number as 2016-1337-4.

Nevertheless, after receiving the Clerk's Record in this matter, we discovered that, in trial court cause number 2016-1337-4, which is the basis for this appeal, the trial court granted summary judgment in favor of Gerik on October 27, 2017. However, the trial court's October 27, 2017 order did not dispose of appellant's claims against co-defendant Hunter Webb. As such, the trial court's October 27, 2017 order entered in trial court cause number 2016-1337-4 is not final. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (noting that an appeal may be taken only from a final judgment); *see also Sultan v. Mathew*, 178 S.W.3d 747, 751 (Tex. 2005) ("To be final for purposes of appeal, a judgment must dispose of all issues and parties in a case." (internal citation omitted)).

On February 6, 2018, we notified appellant by letter that this appeal is subject to dismissal because appellant appeals from an order that is not final. *See* TEX. R. APP. P. 42.3, 44.3. We requested a response from appellant showing grounds for continuing the appeal to be filed within twenty-one days of our February 6, 2018 letter. More than twenty-one days have passed, and appellant has not filed a response in this case. We therefore dismiss this appeal for want of jurisdiction. *See id.* at R. 42.3; *see also Sultan*, 178 S.W.3d at 751; *Lehmann*, 39 S.W.3d at 195.

AL SCOGGINS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Opinion delivered and filed March 21, 2018
[CV06]

