

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-22-00393-CV

**Appellant, Waterford Lago Vista, LLC//
Cross-Appellant, WF Property Owners Association, Inc.**

v.

**Appellees, Waterford Development Partners, LP and WF Property Owners
Association, Inc.//Cross-Appellee, Waterford Lago Vista, LLC**

**FROM THE 53RD DISTRICT COURT OF TRAVIS COUNTY
NO. D-1-GN-21-002370, THE HONORABLE AMY CLARK MEACHUM, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Waterford Lago Vista, LLC, and Cross-Appellant WF Property Owners Association, Inc., have filed petitions for permissive appeal seeking to challenge an interlocutory order denying their motions for summary judgment and granting in part Appellee Waterford Development Partners, LP's motion for summary judgment. They have filed also a joint opposed motion for stay of trial proceedings pending appeal. *See* Tex. Civ. Prac. & Rem. Code § 51.014(d); Tex. R. App. P. 28.3. To be entitled to a permissive appeal from an interlocutory order that would not otherwise be appealable, the requesting party must establish that (1) the order to be appealed involves a “controlling question of law as to which there is a substantial ground for difference of opinion” and (2) an immediate appeal from the order “may materially advance the ultimate termination of the litigation.” Tex. Civ. Prac. & Rem. Code § 51.014(d); *see* Tex. R. App. P. 28.3(e)(4); Tex. R. Civ. P. 168. Because we conclude that

the petition fails to establish each requirement of Rule 28.3(e)(4), we deny the petition for permissive appeal, as well as the motion to stay proceedings. *See* Tex. R. App. P. 28.3(e)(4).

Chari Kelly, Justice

Before Justices Goodwin, Baker, and Kelly

Filed: October 28, 2022