



**NUMBER 13-21-00088-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI – EDINBURG**

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**TPCO AMERICA CORP.,**

**Appellant,**

**v.**

**JULIO CASTILLO JR.,**

**Appellee.**

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**On appeal from the County Court at Law No. 4  
of Nueces County, Texas.**

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**MEMORANDUM OPINION**

**Before Chief Justice Contreras and Justices Longoria and Tijerina  
Memorandum Opinion by Justice Longoria**

In the underlying suit, Julio Castillo, Jr. was involved in a vehicle collision with a tractor-trailer owned by Barraza Trucking Inc. He sued Barraza Trucking, the driver of the vehicle, and TPCO America Corp. (TPCO) for injuries he allegedly sustained in the accident. TPCO moved for summary judgment against the Castillo's claims on no-duty and no-causation grounds, but the trial court denied the motion. However, the trial court

granted permission for a permissive appeal. See TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(d); TEX. R. APP. P. 28.3; *Sabre Travel Int'l, Ltd. v. Deutsche Lufthansa AG*, 567 S.W.3d 725, 730 (Tex. 2019).

Generally, an order that does not dispose of all claims and all parties is interlocutory and is not an appealable order. See *Sabre*, 567 S.W.3d at 730 (citing *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001)). The legislature has authorized interlocutory appeals in certain exceptional circumstances, e.g., TEX. CIV. PRAC. & REM. CODE ANN. § 51.014, but we construe those exceptions narrowly. *CMH Homes v. Perez*, 340 S.W.3d 444, 447 (Tex. 2011).

Here, Petitioner TPCO seeks permission to appeal and argues legal duty of a property owner is a controlling question of law, there is a substantial difference of opinion on the legal duty owed by TPCO, and an immediate appeal will materially advance the ultimate termination of litigation. See TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(d); *Sabre Travel Int'l*, 567 S.W.3d at 731–32. Castillo argues a permissive appeal is not warranted because there is no substantial ground for difference of opinion on legal duty and an immediate appeal will not materially advance the ultimate termination of litigation. See *Sabre Travel Int'l*, 567 S.W.3d at 731–32.

Having considered the petition, response, and reply, we deny the petition. See *id.* Accordingly, we dismiss this appeal.

NORA L. LONGORIA  
Justice

Delivered and filed on the  
29th day of April, 2021.