



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

TERESA CORRAL-LERMA,	§	No. 08-17-00194-CV
	§	
Appellant,	§	Appeal from the
	§	
V.	§	120th District Court
	§	
BORDER DEMOLITION & ENVIRONMENTAL, INC., AS A CORPORATION, RAUL SOLIS, INDIVIDUALLY AND BONNIE SOLIS, INDIVIDUALLY,	§	of El Paso County, Texas
	§	(TC# 2009-2631)
	§	
Appellees.	§	

**MEMORANDUM OPINION**

Teresa Corral-Lerma is attempting to appeal a severance order and post-judgment enforcement orders. We grant Appellees' motion to dismiss the appeal for lack for jurisdiction.

Corral-Lerma filed suit against Appellees alleging various tort claims, including civil theft and trespass, and Appellees filed a counterclaim for attorney's fees incurred in defending against the civil theft claim. The trial court granted summary judgment in favor of Appellees on the tort claims, and Appellees' claim for attorney's fees proceeded to trial. In 2011, the trial court entered a final judgment awarding attorney's fees to Appellees. Corral-Lerma appealed, and she made a cash deposit in the amount of \$3,599.20 in lieu of a supersedeas bond. On September 2, 2015, the Court issued its opinion and judgment reversing the portion of the summary judgment granted on

the trespass claim, affirming the remainder of the summary judgment, and affirming the award of attorney's fees, subject to remittitur. *Corral-Lerma v. Border Demolition & Environmental, Inc.*, 467 S.W.3d 109, *modified and supplemented*, 474 S.W.3d 481 (Tex.App.--El Paso 2015, pet. denied). Our mandate issued on June 1, 2017.

On June 29, 2017, the trial court entered an order severing the remanded trespass claim into a new cause number.<sup>1</sup> In cause number 2009-2631, the trial court also entered two orders in aid of enforcement of the final judgment. More specifically, the trial court entered an order on June 29, 2017 vacating the writ of supersedeas. The court entered another order on July 18, 2017 and an amended order on July 26, 2017 requiring the District Clerk to release to Appellees the appellate security previously deposited into the registry of the court by Corral-Lerma in connection with the appeal in cause number 08-11-00134-CV. On September 1, 2017, Corral-Lerma filed notice of appeal indicating her intent to appeal the severance order and the orders related to enforcement of the judgment.<sup>2</sup> Corral-Lerma subsequently filed a motion asking the Court to set the supersedeas bond. Appellees filed a response to the motion, and they also filed a motion to dismiss the appeal on the ground that none of the orders are appealable.

It is well settled that appellate courts have jurisdiction over final judgments and interlocutory orders made appealable by statute. *Lehmann v. Har-Con Corporation*, 39 S.W.3d 191, 195 (Tex. 2001); Tex.Civ.Prac.&Rem.Code Ann. § 51.014 (West Supp. 2016)(authorizing appeals from certain interlocutory orders). The order entered by the trial court severing the trespass claim into a separate suit is not an appealable order because it is not a final judgment and the Legislature has not made this type of interlocutory order appealable.

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<sup>1</sup> The trespass claim is currently pending in cause number 2017DCV2170 in the 120th District Court.

<sup>2</sup> On September 11, 2017, Corral-Lerma filed a separate notice of appeal from the trial court's order appointing a receiver. That appeal is pending in cause number 08-17-00201-CV.

Generally, post-judgment orders made for the purpose of carrying into effect a prior judgment are not subject to appeal because they are not final judgments. *Wagner v. Warnasch*, 295 S.W.2d 890, 893 (Tex. 1956); *Walter v. Marathon Oil Corp.*, 422 S.W.3d 848, 855 (Tex.App.-Houston [14th Dist.] 2014, no pet.). Post-judgment orders in the nature of a mandatory injunction are appealable. *Walter*, 422 S.W.3d at 855. None of the orders entered by the trial court are in the nature of a mandatory injunction. Consequently, they are not appealable. For these reasons, we grant Appellees' motion and dismiss the appeal for lack of jurisdiction. Corral-Lerma's motion to set the supersedeas bond is denied as moot.

October 25, 2017

YVONNE T. RODRIGUEZ, Justice

Before McClure, C.J., Rodriguez, and Palafox, JJ.