



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

LARRY CHAMBERS AND ABIE	§	No. 08-19-00061-CV
WOLF,	§	
	§	Appeal from the
Appellants,	§	County Court at Law No. 6
V.	§	of El Paso County, Texas
RICARDO RIVERA AND	§	(TC# 2018DCV1525)
CIMARRON CONYERS,	§	
Appellees.	§	

MEMORANDUM OPINION

Larry Chambers and Abie Wolf are appealing from an order granting a motion to dismiss filed by Richard Rivera and Cimarron Conyers pursuant to the Texas Citizens Participation Act. *See* TEX.CIV.PRAC.&REM.CODE ANN. § 27.003. We dismiss the appeal for lack of jurisdiction because it is not an appealable interlocutory order.

On June 28, 2019, the Court denied Appellees' motion to dismiss the appeal, but we gave notice to Appellants that we questioned whether we have jurisdiction of the appeal because the record does not reflect that the claim against another defendant, Duane Brockman d/b/a Tigua Auto Sales, has been disposed of by the trial court. In their response, Appellants admit that the claim against Brockman remains pending in the trial court and they are awaiting a jury trial.

Therefore, the trial court's order granting Appellees' motion to dismiss pursuant to Section 27.003 is not a final judgment.

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 (authorizing appeals from certain interlocutory orders). Section 51.014(a)(12) of the Civil Practice and Remedies Code authorizes the interlocutory appeal of an order that denies a motion to dismiss under Section 27.003 of the TCPA, but it does not authorize an interlocutory appeal of an order granting a motion to dismiss. TEX.CIV.PRAC.&REM.CODE ANN. § 51.014(a)(12). Consequently, we do not have jurisdiction to review an interlocutory order granting a motion to dismiss under Section 27.003. *See Trane US, Inc. v. Sublett*, 501 S.W.3d 783, 785-86 (Tex.App.—Amarillo 2016, no pet.); *Fleming & Assocs., L.L.P. v. Kirklin*, 479 S.W.3d 458, 460-61 (Tex.App.—Houston [14th Dist.] 2015, pet. denied); *Schlumberger Ltd. v. Rutherford*, 472 S.W.3d 881, 886 (Tex.App.—Houston [1st Dist.] 2015, no pet.). The appeal is dismissed for lack of jurisdiction. All pending motions are denied as moot.

July 24, 2019

YVONNE T. RODRIGUEZ, Justice

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