

Opinion filed October 23, 2014



In The

# Eleventh Court of Appeals

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No. 11-14-00065-CV

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**TODD WOMACK, Appellant**

**V.**

**EDITH WOMACK, Appellee**

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**On Appeal from the 32nd District Court  
Mitchell County, Texas  
Trial Court Cause No. 16,266**

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## MEMORANDUM OPINION

Appellant, Todd Womack, filed a notice of appeal from an order in which the trial court granted Edith Womack's motion for summary judgment and dismissed Appellant's claims with prejudice. When the clerk's record was filed in this case, this court questioned the finality of that order and, on May 22, 2014, notified the parties that the order being appealed did not appear to be a final, appealable order because it did not dispose of the claims for affirmative relief

asserted by Edith Womack against Appellant. We requested that Appellant file a response showing grounds to continue this appeal. After Appellant failed to file a response, we abated the appeal to permit the trial court to enter a final, appealable order. We gave the parties until October 3, 2014, to obtain a final order or judgment. As of this date, no final judgment has been entered. The trial court has informed this court by letter that Edith Womack's claim for affirmative relief remains pending in the trial court. Therefore, for the reasons stated in the abatement order that this court issued on September 11, 2014, we have no jurisdiction to entertain this appeal at this time. Accordingly, we dismiss the appeal because we have no jurisdiction and because the parties have failed to obtain a final judgment by October 3, 2014, as requested. *See* TEX. R. APP. P. 42.3.

This appeal is dismissed.

PER CURIAM

October 23, 2014

Panel consists of: Wright, C.J.,  
Willson, J., and Bailey, J.