

DISMISS and Opinion Filed May 15, 2014.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-14-00298-CV

**TOBY M. FUHRMANN, BRIDGETT L. KIRKPATRICK,
KAREN E. DERRICK, AND MELVIN MCDANIEL, Appellants**

V.

C & J GRAY INVESTMENTS PARTNERS, LTD., Appellee

**On Appeal from the 59th Judicial District Court
Grayson County, Texas
Trial Court Cause No. CV-13-0203**

MEMORANDUM OPINION

Before Justices Lang, Myers, and Brown
Opinion by Justice Myers

In a letter dated April 2, 2014, the Court questioned its jurisdiction over this appeal because it did not appear there was a final judgment. We requested that appellants file a letter brief addressing our concern and gave appellee an opportunity to respond. Appellants filed a jurisdictional brief. Appellee did not respond.

Generally, this Court has jurisdiction only over appeals from final judgments. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). A final judgment is one that disposes of all pending parties and claims. *See id.*

Appellee sued appellants and Speir Investments, Ltd.¹ for declaratory judgment in relation to mineral interests and attorney's fees. Appellants filed counterclaims for declaratory

¹ Speir Investments, Ltd. is not a party to this appeal.

judgment and attorney's fees. Appellee filed a motion for partial summary judgment on its declaratory judgment claim. The order appealed from grants appellee's motion for partial summary judgment. The order states "[t]he Court reserves the right to make further orders not specifically addressed herein should additional issues later arise." The order does not dispose of appellee's claim for attorney's fees or the appellants' counterclaims. In their jurisdictional brief, appellants state that they "concur with the Court's initial impression that the order is not a final judgment.

Because the trial court's order does not dispose of all claims, the judgment is not final and this Court lacks jurisdiction. Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

/Lana Myers/

LANA MYERS
JUSTICE

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

TOBY M. FUHRMANN, BRIDGETT L.
KIRKPATRICK, KAREN E. DERRICK,
AND MELVIN MCDANIEL, Appellants

No. 05-14-00298-CV V.

C & J GRAY INVESTMENTS
PARTNERS, LTD., Appellee

On Appeal from the 59th Judicial District
Court, Grayson County, Texas.
Trial Court Cause No. CV-13-0203.
Opinion delivered by Justice Myers.
Justices Lang and Brown, participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellee, C & J GRAY INVESTMENTS PARTNERS, LTD., recover its costs of this appeal from appellants, TOBY M. FUHRMANN, BRIDGETT L. KIRKPATRICK, KAREN E. DERRICK, AND MELVIN MCDANIEL.

Judgment entered this 15th day of May, 2014.

/Lana Myers/

LANA MYERS
JUSTICE