

**DISMISS and Opinion Filed December 9, 2015**



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

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**No. 05-15-01238-CV**

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**DUFEK MASSIF HOSPITAL CORPORATION D/B/A  
UNIVERSITY GENERAL HOSPITAL AND EDWARD T. LABORDE, Appellants  
V.  
SHC SERVICES, INC., D/B/A SUPPLEMENTAL HEALTH CARE, Appellee**

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**On Appeal from the 116th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-15-01940**

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**MEMORANDUM OPINION**

Before Chief Justice Wright and Justices Lang-Miers and Stoddart  
Opinion by Chief Justice Wright

Before the Court is appellants' October 9, 2015 motion for an extension of time to file a notice of appeal, appellee's response and supplemental response, and appellant's reply to the response. Where a party files a timely motion for new trial, a notice of appeal is due ninety days after the date the judgment is signed. *See* TEX. R. APP. P. 26.1(a). A party may obtain an extension of time to file a notice of appeal if, within fifteen days after the deadline, the party files a notice of appeal and an extension motion complying with rule of appellate procedure 10.5(b). *See* TEX. R. APP. P. 26.3(a), (b), 10.5(b). An appellate court cannot alter the time for perfecting an appeal in a civil case. *See* TEX. R. APP. P. 2. In the absence of a timely filed notice of appeal, this Court lacks jurisdiction. *See* TEX. R. APP. P. 25.1(b).

The trial court signed the judgment on June 23, 2015. Appellants filed a timely motion for new trial on July 13, 2015. Accordingly, the notice of appeal was due September 21, 2015 or, with a motion for extension, on Tuesday, October 6, 2015. *See* TEX. R. APP. P. 26.1(a), 26.3. Appellants filed their notice of appeal on October 7, 2015, one day past the deadline. Because appellants failed to file a notice of appeal within the time provided for in the rules of appellate procedure, this Court lacks jurisdiction. *See* TEX. R. APP. P. 25.1(b).

We deny appellant's motion and dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

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/Carolyn Wright/  
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CAROLYN WRIGHT  
CHIEF JUSTICE



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

**JUDGMENT**

DUFEK MASSIF HOSPITAL  
CORPORATION D/B/A UNIVERSITY  
GENERAL HOSPITAL AND  
EDWARD T. LABORDE, JR., Appellants

No. 05-15-01238-CV      V.

SHC SERVICES, INC., D/B/A  
SUPPLEMENTAL HEALTH CARE,  
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On Appeal from the 116th Judicial District  
Court, Dallas County, Texas.  
Trial Court Cause No. DC-15-01940.  
Opinion delivered by Chief Justice Wright.  
Justices Lang-Miers and Stoddart  
participating.

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

It is **ORDERED** that appellee SHC SERVICES, INC., D/B/A SUPPLEMENTAL HEALTH CARE recover its costs of this appeal from appellants DUFEK MASSIF HOSPITAL CORPORATION D/B/A UNIVERSITY GENERAL HOSPITAL AND EDWARD T. LABORDE, JR.

Judgment entered December 9, 2015.