

**DISMISS; and Opinion Filed March 29, 2016.**



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

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**No. 05-16-00024-CV**

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**JIAN “LEO” LIU AND MONTANA WEST, INC., Appellants**

**V.**

**DARRIN STULL AND GUARANTEED MERCHANDISE GROUP, INC.  
D/B/A NEW CENTURY GIFTS, Appellees**

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**On Appeal from the 134th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-14-06512**

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**MEMORANDUM OPINION**

Before Justices Fillmore, Stoddart, and Schenck  
Opinion by Justice Fillmore

By “Written Notice of Appeal” filed in the trial court on January 8, 2016, and in this Court on January 11, 2016, appellants Jian “Leo” Liu and Montana West, Inc. seek to appeal the trial court’s December 28, 2015 discovery order granting appellee Darrin Stull’s Fourth Motion to Compel. After review of the clerk’s record in the proceeding below, this Court sent a letter dated February 24, 2016 to counsel for appellants, with a copy to other counsel of record and the court reporter, questioning our jurisdiction over this appeal. We noted in the correspondence that there does not appear to be a final judgment below. We instructed appellants to file a letter brief addressing our jurisdictional concern and permitted appellees an opportunity to respond. In their jurisdictional brief, appellants state this Court has jurisdiction “over this mandamus petition” under Section 22.002 of the government code. *See* TEX. GOV’T CODE ANN. § 22.002 (West

2004). In response, appellee Darrin Stull argues, among other things, that appellants have failed to cite any statutory authority that specifically authorizes this Court to exercise jurisdiction over this matter.

Appellants filed a notice of appeal, not a petition for writ of mandamus. *See* TEX. R. APP. P. 52. Further, Section 22.002 of the government code relates to the writ powers of the supreme court and justices of the supreme court, not to the writ powers of a court of appeals or justice of a court of appeals. *See* TEX. GOV'T CODE ANN. § 22.221 (West 2004). Appellants provide no authority showing this Court has jurisdiction over this appeal. Unless an interlocutory appeal is specifically authorized by statute, we have jurisdiction only over appeals taken from final judgments. *See Beckham Grp., P.C. v. Snyder*, 315 S.W.3d 244, 245 (Tex. App.—Dallas 2010, no pet.). A final judgment is one that disposes of all pending parties and claims. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). The discovery order appellants appeal from is an unappealable interlocutory order. *See Pelt v. State Board of Insurance*, 802 S.W.2d 822, 827 (Tex. App.—Austin 1990, no writ). Accordingly, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Robert M. Fillmore/  
ROBERT M. FILLMORE  
JUSTICE

160024F.P05



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

**JUDGMENT**

JIAN "LEO" LIU AND  
MONTANA WEST, INC., Appellants

No. 05-16-00024-CV      V.

DARRIN STULL AND GUARANTEED  
MERCHANDISE GROUP, INC. D/B/A  
NEW CENTURY GIFTS, Appellees

On Appeal from the 134th Judicial District  
Court, Dallas County, Texas  
Trial Court Cause No. DC-14-06512.  
Opinion delivered by Justice Fillmore.  
Justices Stoddart and Schenck participating.

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

It is **ORDERED** that appellees DARRIN STULL AND GUARANTEED MERCHANDISE GROUP, INC. D/B/A NEW CENTURY GIFTS recover their costs of this appeal from appellants JIAN "LEO" LIU AND MONTANA WEST, INC.

Judgment entered this 29th day of March, 2016.