

DISMISS and Opinion Filed October 5, 2016.



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

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No. 05-16-00914-CV

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**CELIA D. MISKEVITCH, Appellant**  
V.  
**7-ELEVEN, INC., Appellee**

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**On Appeal from the 298th Judicial District Court**  
**Dallas County, Texas**  
**Trial Court Cause No. DC-15-00611**

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**MEMORANDUM OPINION**

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

By letter, the Court questioned its jurisdiction over this appeal because it appeared appellee's counterclaim for attorney's fees remained pending. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). We gave the parties an opportunity to address our concern. Both parties filed responses agreeing with this Court's assessment that the judgment is not final. Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

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/Douglas S. Lang/  
DOUGLAS S. LANG  
JUSTICE

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

**JUDGMENT**

CELIA D. MISKEVITCH, Appellant

No. 05-16-00914-CV V.

7-ELEVEN, INC., Appellee

On Appeal from the 298th Judicial District  
Court, Dallas County, Texas

Trial Court Cause No. DC-15-00611.

Opinion delivered by Justice Lang. Justices  
Myers and Evans participating.

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

It is **ORDERED** that appellee 7-ELEVEN, INC. recover its costs of this appeal from appellant CELIA D. MISKEVITCH.

Judgment entered this 5th day of October, 2016.