

**DISMISS and Opinion Filed December 9, 2016**



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

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**No. 05-16-00956-CV**

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**MARK LITTLE, Appellant**

**V.**

**THE SWAN ASBESTOS AND SILICA SETTLEMENT TRUST, Appellee**

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**On Appeal from the 196th Judicial District Court  
Hunt County, Texas  
Trial Court Cause No. 83004**

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**MEMORANDUM OPINION**

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

By letter dated November 7, 2016, the Court questioned its jurisdiction over this appeal because there does not appear to be a final judgment. We instructed appellant to file, by November 17, 2016, a letter brief addressing the jurisdictional issue. We cautioned appellant that failure to file a jurisdictional brief by the date specified may result in dismissal of the appeal without further notice. As of today's date, appellant has not filed a response.

Generally, this Court has jurisdiction only over appeals from final judgments and certain interlocutory orders as permitted by statute. *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 filed a petition for declaratory judgment. Appellant filed an application for attorney's fees. The record before this Court contains only an order denying appellant's

application for attorney's fees and the notice of appeal pertains to that order. Appellee's claim for declaratory judgment remains pending.

Because the judgment is not final, this Court lacks jurisdiction. *See Lehmann*, 39 S.W.3d at 195. We dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

/Carolyn Wright/  
CAROLYN WRIGHT  
CHIEF JUSTICE

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

**JUDGMENT**

MARK LITTLE, Appellant

No. 05-16-00956-CV      V.

THE SWAN ASBESTOS AND SILICA  
SETTLEMENT TRUST, Appellee

On Appeal from the 196th Judicial District  
Court, Hunt County, Texas

Trial Court Cause No. 83004.

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 THE SWAN ASBESTOS AND SILICA SETTLEMENT TRUST recover its costs of this appeal from appellant MARK LITTLE.

Judgment entered December 9, 2016.