

DISMISS and Opinion Filed July 3, 2018



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

No. 05-18-00546-CV

RUTH TORRES, Appellant

V.

**MARIE DIAZ, MARK GALVAN, PURSUIT OF EXCELLENCE, INC., AND
DALLAS / FORT WORTH INTERNATIONAL AIRPORT, Appellees**

**On Appeal from the 44th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-16-08711**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Evans, and Justice Brown
Opinion by Chief Justice Wright

By letter, the Court questioned its jurisdiction over this appeal as there did not appear to be final judgment or other appealable order. We instructed appellant to file a letter brief addressing the jurisdictional issue. Appellant complied and appellees, Marie Diaz, Mark Galvan, and Pursuit of Excellence, Inc., 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.*

On April 26, 2018, the trial court granted in part and denied in part the Rule 91A motion to dismiss filed by the plaintiff Pursuit of Excellence, Inc. and third-party defendants Marie Diaz and Mark Galvan with regard to appellant's counterclaims. The trial court denied the motion as

to appellant's counterclaims for breach of contract, quantum meruit, and unjust enrichment. Thus, those counterclaims along with plaintiff's claims remain pending.

Appellant filed a letter brief but fails to provide any authority for this Court's jurisdiction over the trial court's interlocutory order. Because the appealed order is neither a final judgment nor an order subject to an interlocutory appeal, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

/Carolyn Wright/
CAROLYN WRIGHT
CHIEF JUSTICE

180546F.P05



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

JUDGMENT

RUTH TORRES, Appellant

No. 05-18-00546-CV V.

MARIE DIAZ, MARK GALVAN,
PURSUIT OF EXCELLENCE, INC., AND
DALLAS / FORT WORTH
INTERNATIONAL AIRPORT, Appellees

On Appeal from the 44th Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DC-16-08711.
Opinion delivered by Chief Justice Wright.
Justices Evans and Brown participating.

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

It is **ORDERED** that appellees MARIE DIAZ, MARK GALVAN, PURSUIT OF EXCELLENCE, INC., AND DALLAS / FORT WORTH INTERNATIONAL AIRPORT recover their costs of this appeal from appellant RUTH TORRES.

Judgment entered July 3, 2018.