

**DISMISS and Opinion Filed October 16, 2018**



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

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**No. 05-18-00840-CV**

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**THOMAS GENE BROWN AND ELLA BROWN, Appellants  
V.  
AMERIQUEST MORTGAGE CO., Appellee**

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**On Appeal from the 86th Judicial District Court  
Kaufman County, Texas  
Trial Court Cause No. 70241-86**

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**MEMORANDUM OPINION**

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

We **REINSTATE** this appeal.

By letter, the Court questioned its jurisdiction over this appeal as there did not appear to be a final judgment. We instructed the parties to file letter briefs addressing the Court's jurisdiction.

Generally, this Court has jurisdiction only over appeals from final judgments and certain interlocutory orders as permitted by statute. *See McFadin v. Broadway Coffeeshouse, LLC*, 539 S.W.3d 278, 283 (Tex. 2018); TEX. CIV. PRAC. & REM. CODE ANN. § 51.014 (West Supp. 2017). 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).

In the fourth amended petition, Thomas Brown, Ella Brown, and Thomas Brown, Jr. alleged causes of action against Ameriquest Mortgage Co., Noe Sanchez, and Jose Sanchez. The trial court granted summary judgment for Ameriquest Mortgage dismissing the causes of action that Thomas Brown and Ella Brown alleged against Ameriquest Mortgage. In the severance order, the trial court severed out Thomas Brown and Ella Brown's claims against the Sanchezes into a separate cause. Thomas Brown, Jr.'s claims against Ameriquest Mortgage and the Sanchezes remain pending in the original cause that is the subject of this appeal.

In response to this Court's letter, appellants filed a motion acknowledging that the judgment is not final and asking the Court to abate the appeal to allow them an opportunity to obtain a final judgment. By order dated August 21, 2018, the Court granted appellants' motion and abated the appeal for thirty days. We cautioned appellants that failure to obtain a final judgment may result in dismissal of the appeal for want of jurisdiction. As of today's date, the Court has not received a supplemental clerk's record containing a final judgment or any further correspondence from appellants.

The appealed judgment is not final as it does not dispose of all parties and claims. *See Lehmann*, 39 S.W.3d at 195. Accordingly, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Carolyn Wright/  
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CAROLYN WRIGHT  
CHIEF JUSTICE



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

**JUDGMENT**

THOMAS GENE BROWN AND ELLA  
BROWN, Appellants

No. 05-18-00840-CV      V.

AMERIQUEST MORTGAGE CO.,  
Appellee

On Appeal from the 86th Judicial District  
Court, Kaufman County, Texas  
Trial Court Cause No. 70241-86.  
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 appellee AMERIQUEST MORTGAGE CO. recover its costs of this appeal from appellants THOMAS GENE BROWN AND ELLA BROWN.

Judgment entered October 16, 2018.