

DISMISS and Opinion Filed October 7, 2019



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-00793-CV

SCHYYRA HAYES, Appellant

V.

FRANK M. D'ALESSANDRO, KIPENIE ANNE D'ALESSANDRO, A.P.
INVESTMENTS, LLC, LIONEL AUSTIN, JR., Appellees

On Appeal from the 401st Judicial District Court
Collin County, Texas
Trial Court Cause No. 401-05514-2017

MEMORANDUM OPINION

Before Chief Justice Burns, Justice Whitehill, and Justice Molberg
Opinion by Chief Justice Burns

We questioned our jurisdiction over this appeal from the trial court's June 14, 2019 order granting appellees' motion for summary judgment as it did not appear the judgment resolved all claims. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (subject to mostly statutory exceptions, appellate court has jurisdiction over appeals from final judgments that dispose of all parties and claims). We directed appellant to file a letter brief addressing our concern, but more than ten days have passed, and she has not responded.

The summary judgment from which appellant appeals disposed of her claims against appellees and determined appellees were entitled to attorney's fees. However, it did not determine the amount of fees or address counterclaims asserted against appellant, and nothing in the record

before us reflects those claims have been resolved. Accordingly, we lack jurisdiction and dismiss the appeal. *See* TEX. R. APP. P. 42.3(a); *Lehmann*, 39 S.W.3d at 195.

/Robert D. Burns, III/

ROBERT D. BURNS, III
CHIEF JUSTICE

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

JUDGMENT

SCHYYRA HAYES, Appellant

No. 05-19-00793-CV V.

FRANK M. D'ALESSANDRO, KIPENIE
ANNE D'ALESSANDRO, A.P.
INVESTMENTS, LLC, LIONEL AUSTIN,
JR., Appellees

On Appeal from the 401st Judicial District
Court, Collin County, Texas
Trial Court Cause No. 401-05514-2017.
Opinion delivered by Chief Justice Burns,
Justices Whitehill and Molberg
participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

Judgment entered October 7, 2019.