

DISMISS and Opinion Filed August 21, 2019



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

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No. 05-19-00800-CV

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**THOMAS T. HEADEN III, Appellant**

**V.**

**GEOFFREY BERG, ABUNDANT LIFE THERAPEUTIC SERVICES TEXAS, LLC,  
ABUNDANT LIFE THERAPEUTIC SERVICES, LLC, SS OF MA, LLC,  
BLACKWISE, LLC, EVOLVE OUTREACH TEXAS LLC, PRESIDIUM PRIME, LLC,  
JASON RYAN FORD, MELVIN ANDERSON, AND LANCE TAYLOR, Appellees**

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**On Appeal from the 68th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-18-15576**

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**MEMORANDUM OPINION**

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

Appellant sued fifteen defendants. Appellees, ten of those defendants, filed a motion to dismiss pursuant to the Texas Citizens Participation Act (TCPA). *See* TEX. CIV. PRAC. & REM. CODE ANN. § 27.003. Appellant appeals from the trial court's June 11, 2019 order, granting that motion in part. Generally, this Court has jurisdiction over 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 party may appeal only from an interlocutory order that *denies* a TCPA motion. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a)(12). Because the appealed order does not dispose of all parties and claims and is not otherwise subject to an interlocutory appeal, the Court questioned its jurisdiction over this appeal and instructed appellant to file a letter brief addressing our concern

with an opportunity for appellees to respond. Although, appellant did not comply, appellees filed a letter brief agreeing with the Court's assessment that it lacks jurisdiction over this appeal.

Because the challenged order is not subject to an interlocutory appeal, we dismiss this appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Robert D. Burns, III/  
ROBERT D. BURNS, III  
CHIEF JUSTICE

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

**JUDGMENT**

THOMAS T. HEADEN III, Appellant

No. 05-19-00800-CV      V.

GEOFFREY BERG ABUNDANT LIFE  
THERAPEUTIC SERVICES TEXAS,  
LLC, ABUNDANT LIFE THERAPEUTIC  
SERVICES, LLC, SS OF MA, LLC,  
BLACKWISE, LLC, EVOLVE  
OUTREACH TEXAS LLC, PRESIDIUM  
PRIME, LLC, JASON RYAN FORD,  
MELVIN ANDERSON, AND LANCE  
TAYLOR, Appellees

On Appeal from the 68th Judicial District  
Court, Dallas County, Texas

Trial Court Cause No. DC-18-15576.

Opinion delivered by Chief Justice Burns.

Justices Molberg and Nowell participating.

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

It is **ORDERED** that appellees GEOFFREY BERG ABUNDANT LIFE THERAPEUTIC SERVICES TEXAS, LLC, ABUNDANT LIFE THERAPEUTIC SERVICES, LLC, SS OF MA, LLC, BLACKWISE, LLC, EVOLVE OUTREACH TEXAS LLC, PRESIDIUM PRIME, LLC, JASON RYAN FORD, MELVIN ANDERSON, AND LANCE TAYLOR recover their costs of this appeal from appellant THOMAS T. HEADEN III.

Judgment entered August 21, 2019