

DISMISS and Opinion Filed November 6, 2019



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-01113-CV

INTELITRAC, INC., A DELAWARE STATE CORPORATION, Appellant

V.

UMB FINANCIAL CORPORATION, A MISSOURI STATE FINANCIAL CORPORATION; UMB BANK, N.A., A NATIONAL BANKING ASSOCIATION; ZACH FEE, AN INDIVIDUAL; NICK ARTHACHINDA, AN INDIVIDUAL; AND KEVIN VON ATZIGEN, AN INDIVIDUAL, Appellees

**On Appeal from the 95th District Court
Dallas County, Texas
Trial Court Cause No. DC-17-00035**

MEMORANDUM OPINION

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

This is an appeal from two summary judgment orders that disposed of appellant's claims against appellees but left pending a counterclaim for attorney's fees. On October 15, 2019, we construed a letter filed by appellees questioning our jurisdiction in light of the pending counterclaim as a motion to dismiss the appeal and requested a response from appellant. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (subject to mostly statutory exceptions, appeal may only be taken from final judgment that disposes of all claims and parties). By letter filed October 25, 2019, appellant concedes the appeal is premature. Accordingly, because

a final judgment has not been signed, we grant appellees' motion and dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

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

191113F.P05



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

JUDGMENT

INTELITRAC, INC., A DELAWARE
STATE CORPORATION, Appellant

No. 05-19-01113-CV V.

UMB FINANCIAL CORPORATION, A
MISSOURI STATE FINANCIAL
CORPORATION; UMB BANK, N.A., A
NATIONAL BANKING ASSOCIATION;
ZACH FEE, AN INDIVIDUAL; NICK
ARTHACHINDA, AN INDIVIDUAL;
AND KEVIN VON ATZIGEN, AN
INDIVIDUAL, Appellees

On Appeal from the 95th District Court,
Dallas County, Texas
Trial Court Cause No. DC-17-00035.
Opinion delivered by Chief Justice Burns,
Justices Whitehill and Nowell participating.

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

We **ORDER** appellees UMB Financial Corporation, a Missouri State Financial Corporation; UMB Bank, N.A., a National Banking Association; Zach Fee, an Individual; Nick Arthachinda, an Individual; and Kevin von Atzigen, an Individual recover their costs, if any, of this appeal from appellant Intelitrac, Inc., a Delaware State Corporation.

Judgment entered November 6, 2019.