

**DISMISS and Opinion Filed April 5, 2021**



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

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**No. 05-20-01025-CV**

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**SANDRA G. HALE, Appellant**

**V.**

**RISING S COMPANY, LLC, GARY LYNCH, AND CLYDE WAYNE  
SCOTT, Appellees**

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**On Appeal from the County Court at Law No. 1  
Kaufman County, Texas  
Trial Court Cause No. 100179-CC**

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**MEMORANDUM OPINION**

Before Justices Molberg, Goldstein, and Smith  
Opinion by Justice Goldstein

This is an appeal from the trial court's partial summary judgment dismissing appellant's claims against appellees. Because the record reflected appellee Rising S Company, LLC's claims against appellant remained pending, we questioned our jurisdiction over the appeal. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (subject to mostly statutory exceptions, appeal may be taken only from final judgment that disposes of all parties and claims).

In jurisdictional briefing filed at our request, appellant asserts the partial summary judgment is final because it disposed of all her claims against appellees.

Alternatively, she argues the judgment involves a controlling question of law as to which a substantial ground for difference of opinion exists, and we have jurisdiction under Texas Civil Practice and Remedies Code section 51.014(d), concerning permissive appeals. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(d).

A judgment that disposes of all of one party's claims, however, is not final if claims by another party remain. *See Lehmann*, 39 S.W.3d at 195. Additionally, as appellees point out in their jurisdictional brief, the procedures for a permissive appeal, including filing a petition and obtaining permission from the trial court to appeal the otherwise unappealable order, have not been followed. *See* CIV. PRAC. & REM. CODE § 51.014(d), (f); *see also* TEX. R. APP. P. 28.3.

We note appellees assert the appeal is frivolous and request damages in an amount of \$500.00 pursuant to Texas Rule of Appellate Procedure 45. *See* TEX. R. APP. P. 45. We deny the request.

Because the challenged judgment is not appealable, we lack jurisdiction and dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

/Bonnie Lee Goldstein/  
BONNIE LEE GOLDSTEIN  
JUSTICE

201025F.P05



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

**JUDGMENT**

SANDRA G. HALE, Appellant

No. 05-20-01025-CV      V.

RISING S COMPANY, LLC,  
GARY LYNCH, AND CLYDE  
WAYNE SCOTT, Appellees

On Appeal from the County Court at  
Law No. 1, Kaufman County, Texas  
Trial Court Cause No. 100179-CC.

Opinion delivered by Justice  
Goldstein, Justices Molberg and  
Smith participating.

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

We **ORDER** that appellees Rising S Company, LLC, Gary Lynch, and Clyde Wayne Scott recover their costs, if any, of this appeal from appellant Sandra G. Hale.

Judgment entered April 5, 2021.