

DISMISS and Opinion Filed November 19, 2021



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

No. 05-21-00803-CV

**HOLLY BONE A/K/A HOLLY MARTIN, Appellant
V.
DAVID TYLER MOSS AND FIDELISSIMUS LLC, Appellees**

**On Appeal from the 68th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-20-09893**

MEMORANDUM OPINION

Before Justices Schenck, Osborne, and Partida-Kipness
Opinion by Justice Partida-Kipness

Appellant appeals the trial court's order denying appellant's motion to vacate turnover orders. After reviewing the clerk's record, we questioned our jurisdiction over this appeal because the order did not appear to be appealable. *See Abira Med. Labs, LLC v. St. Jude Med. SC, Inc.*, No. 14-17-00849-CV, 2018 WL 3911084, at *2 (Tex. App.—Houston [14th Dist.] Aug. 16, 2018, no pet.) (mem. op.); *see also* TEX. R. APP. P. 26.1. At our request, the parties filed letter briefs addressing our concern. In her letter brief, appellant states she has no objection to the appeal being dismissed for want of jurisdiction. Appellees do not dispute our lack of jurisdiction, but request that this Court remand the case for assessment of attorney's fees and

costs pursuant to rules 43.3 and 43.4 or the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 43.3, 43.4.

We dismiss the appeal and order that appellees recover their costs, if any, of this appeal from appellant. *See* TEX. R. APP. P. 42.3(a), 43.4. We deny appellees' request for remand. *See id.* 43.2(f).

/Robbie Partida-Kipness/
ROBBIE PARTIDA-KIPNESS
JUSTICE

210803F.P05



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

JUDGMENT

HOLLY BONE A/K/A HOLLY
MARTIN, Appellant

No. 05-21-00803-CV V.

DAVID TYLER MOSS AND
FIDELISSIMUS, LLC, Appellees

On Appeal from the 68th Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DC-20-09893.
Opinion delivered by Justice Partida-
Kipness, Justices Schenck and
Osborne participating.

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

We **ORDER** that appellees David Tyler Moss and Fidelissimus, LLC recover their costs, if any, of this appeal from appellant Holly Bone a/k/a Holly Martin.

Judgment entered November 19, 2021.