

DISMISS and Opinion Filed December 6, 2021



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

No. 05-21-00931-CV

ANITA HUTCHINGS AND HAYLEY HUTCHINGS, Appellants

V.

**THE BERSHIRE COMPANIES, L.P. D/B/A
THE KRUPP COMPANIES, L.P., DANA HAMPTON,
AGENT TIGOR HARDONO, AGENT CHRISTINA HILLEBRAND,
AGENT JOHN WU, AGENT CHELSEA ANTON, CONSERVICE, L.L.C.,
PARCEL PENDING, INC., QUADIEN, INC., HOOVER SLOVACEK
ATTORNEYS AT LAW, LLP, HOWARD BOOKSTAFF,
COLBY BINFORD, AND DANIEL EDMUNDS, Appellees**

**On Appeal from the 471st Judicial District Court
Collin County, Texas
Trial Court Cause No. 471-02530-2021**

MEMORANDUM OPINION

Before Justices Pedersen, III, Goldstein, and Smith
Opinion by Justice Smith

The Court questioned its jurisdiction over this appeal as there did not appear to be an appealable order. We directed appellants to file a letter brief addressing our concern with an opportunity for appellees to file a response. Appellants have complied.

Generally, appellate courts have jurisdiction only over appeals from final judgments and certain interlocutory orders as permitted by statute. *See Lehmann v.*

Har-Con Corp., 39 S.W.3d 191, 195 (Tex. 2001); *see also* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a). A final judgment is one that disposes of all parties and claims. *See Lehman*, 39 S.W.3d at 195.

Appellants filed a lawsuit against thirteen defendants. Four of those defendants, appellees Hoover Slovacek Attorneys at Law, LLP, Howard Bookstaff, Colby Binford, and Daniel Edmunds, filed a motion to dismiss pursuant to the Texas Citizen’s Participation Act (TCPA). *See* TEX. CIV. PRAC. & REM. CODE ANN. § 27.003. Appellants appeal from the trial court’s September 7, 2021 order granting that motion. That order, however, is neither a final judgment, as it does not dispose of all parties and all claims, nor an appealable interlocutory order. *See id.* § 51.014(a)(12) (party may appeal an interlocutory order denying a TCPA motion to dismiss). We note that the order states it is “final as to the severed cause.” However, the record before this Court does not contain a severance order.

Although appellants filed a letter brief, nothing therein demonstrates our jurisdiction over this appeal.¹ We dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Craig Smith/

CRAIG SMITH
JUSTICE

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¹ Appellants note the District Clerk has not provided them with a copy of the clerk’s record which impacts their ability to respond to our jurisdictional letter. Appellants, however, do not assert that a final judgment exists.



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

JUDGMENT

ANITA HUTCHINGS AND
HAYLEY HUTCHINGS, Appellants

No. 05-21-00931-CV V.

THE BERSHIRE COMPANIES, L.P.
D/B/A THE KRUPP COMPANIES,
L.P., DANA HAMPTON, AGENT
TIGOR HARDONO, AGENT
CHRISTINA HILLEBRAND,
AGENT JOHN WU, AGENT
CHELSEA ANTON,
CONSERVICE, L.L.C., PARCEL
PENDING, INC., QUADIENT,
INC., HOOVER SLOVACEK
ATTORNEYS AT LAW, LLP,
HOWARD BOOKSTAFF, COLBY
BINFORD, AND DANIEL
EDMUNDS, Appellees

On Appeal from the 471st Judicial
District Court, Collin County, Texas
Trial Court Cause No. 471-02530-
2021.

Opinion delivered by Justice Smith.
Justices Pedersen, III and Goldstein
participating.

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

Judgment entered December 6, 2021