

**DISMISS and Opinion Filed January 21, 2022**



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

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**No. 05-21-00982-CV**

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**R. COURT POWELL, Appellant  
v.  
PIETRO EUSTACHIO AND GRACE EUSTACHIO, Appellees**

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**On Appeal from the 298th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-18-02969**

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**MEMORANDUM OPINION**

Before Justices Myers, Molberg, and Garcia  
Opinion by Justice Myers

The Court questioned its jurisdiction over this appeal because there did not appear to be a final judgment or other appealable order. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (generally, appellate courts have jurisdiction over final judgments and certain interlocutory orders as permitted by statute); TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a) (listing appealable interlocutory orders). We directed appellant to file a letter brief addressing the jurisdictional issue with an opportunity for appellees to respond. We cautioned appellant that failure to comply may result in dismissal of the appeal without further notice. Appellant did not file a letter brief as directed.

Appellant appeals from the trial court's order granting appellees' motion for summary judgment. In their original answer, appellees asserted a counterclaim for sanctions. Appellees sought summary judgment on appellant's claims but not their counterclaim. Because appellees' counterclaim remains pending, there is no final judgment and this Court lacks jurisdiction over the appeal. *See Lehmann*, 39 S.W.3d at 195.

We dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

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/Lana Myers//  
LANA MYERS  
JUSTICE



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

**JUDGMENT**

R. COURT POWELL, Appellant

No. 05-21-00982-CV        V.

PIETRO EUSTACHIO AND  
GRACE EUSTACHIO, Appellees

On Appeal from the 298th Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. DC-18-02969.  
Opinion delivered by Justice Myers.  
Justices Molberg and Garcia  
participating.

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

It is **ORDERED** that appellees PIETRO EUSTACHIO AND GRACE  
EUSTACHIO recover their costs of this appeal from appellant R. COURT  
POWELL.

Judgment entered this 21<sup>st</sup> day of January, 2022.