

Dismiss and Opinion Filed April 4, 2022



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

No. 05-22-00005-CV

**JOE SPILLMAN, Appellant
v.
THE LAS COLINAS ASSOCIATION, Appellee**

**On Appeal from the 191st Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-18-06000**

MEMORANDUM OPINION

Before Justices Myers, Osborne, and Nowell
Opinion by Justice Osborne

By notice of appeal filed on January 5, 2022, appellant challenges the December 14, 2021 summary judgment determining appellee is entitled to judgment as a matter of law in its case-in-chief, but leaving open for a later date the determination of attorney's fees. Generally, an appeal may only be taken from a final judgment that disposes of all parties and claims. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). Because the challenged summary judgment left open the determination of attorney's fees, we questioned our jurisdiction over the appeal and directed appellant to file a letter brief addressing our concern. Appellant

conceded in his letter brief that the summary judgment order is not final.¹ Accordingly, with no appealable order before us, we dismiss the appeal. *See* Tex. R. App. P. 42.3(a).

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/Leslie Osborne//

LESLIE OSBORNE
JUSTICE

¹ Although given an opportunity to respond, appellee has not responded.



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

JUDGMENT

JOE SPILLMAN, Appellant

No. 05-22-00005-CV V.

THE LAS COLINAS
ASSOCIATION, Appellee

On Appeal from the 191st Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DC-18-06000.
Opinion delivered by Justice
Osborne, Justices Myers and Nowell
participating.

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

It is **ORDERED** that appellee The Las Colinas Association recover its costs,
if any, of this appeal from appellant Joe Spillman.

Judgment entered this 4th day of April, 2022.