

**DISMISS and Opinion Filed April 19, 2022**



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

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**No. 05-22-00120-CV**

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**DELORIS PHILLIPS, Appellant**

**V.**

**TEXAS DEPARTMENT OF INSURANCE DIVISION OF WORKERS' COMPENSATION, FLEMING FOODS, INC., CORE-MARK HOLDING CO., THE RAYMOND CORP., CIGNA INSURANCE CO., BANKERS STANDARD INSURANCE CO., ESIS-CHUBB MANAGEMENT CORP., LIBERTY MUTUAL INSURANCE CO., UNITED PARCEL SERVICE, INC., TEAMSTERS LOCAL UNION 767, CITY OF DALLAS MUNICIPALITY, DALLAS COUNTY MUNICIPALITY, AND DALLAS POLICE DEPARTMENT, Appellees**

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**On Appeal from the 101st Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-21-06299**

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**MEMORANDUM OPINION**

Before Chief Justice Burns, Justice Goldstein, and Justice Smith  
Opinion by Chief Justice Burns

Appellant appeals from the trial court's January 31, 2022 interlocutory order granting the Rule 91a motion to dismiss filed by The Raymond Corporation, one of numerous defendants. *See* TEX. R. CIV. P. 91a. Generally, this Court has jurisdiction only over final judgments and certain interlocutory orders as permitted by statute. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001); TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a) (listing appealable interlocutory orders). A final

judgment is one that disposes of all parties and claims. *See Lehmann*, 39 S.W.3d at 195. Because the appealed order did not appear to be a final judgment or an appealable interlocutory order, we questioned our jurisdiction over the appeal and instructed the parties to file letter briefs addressing the issue.

In her letter briefs filed on April 1 and April 18, appellant fails to address the lack of a final judgment or appealable interlocutory order. Rather, appellant asserts, without explanation, that the reporter’s record<sup>1</sup> will “factually validate” our jurisdiction over the appeal. Also, without explanation, appellant cites to this Court’s opinion in *Dezoete v. Raymond Corp.*, No. 05-19-01301-CV, 2020 WL 7382302, at \*1 (Tex. App.—Dallas Dec. 16, 2020, no pet.). *Dezoete* is not applicable because it involved an appeal from a *final* judgment over which we had jurisdiction.

The order appealed is interlocutory because it does not dispose of appellant’s claims against all parties. Appellant has not provided any authority demonstrating that the order is otherwise appealable and nothing before us reflects the reporter’s record would assist us. Accordingly, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Robert D. Burns, III/  
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ROBERT D. BURNS, III  
CHIEF JUSTICE

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<sup>1</sup> We suspended the deadline for the reporter’s record pending determination of our jurisdiction over the appeal.



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

**JUDGMENT**

DELORIS PHILLIPS, Appellant

No. 05-22-00120-CV      V.

TEXAS DEPARTMENT OF  
INSURANCE DIVISION OF  
WORKERS' COMPENSATION,  
FLEMING FOODS, INC., CORE-  
MARK HOLDING CO., THE  
RAYMOND CORP., CIGNA  
INSURANCE CO., BANKERS  
STANDARD INSURANCE CO.,  
ESIS-CHUBB MANAGEMENT  
CORP., LIBERTY MUTUAL  
INSURANCE CO., UNITED  
PARCEL SERVICE, INC.,  
TEAMSTERS LOCAL UNION 767,  
CITY OF DALLAS  
MUNICIPALITY, DALLAS  
COUNTY MUNICIPALITY, AND  
DALLAS POLICE DEPARTMENT,  
Appellees

On Appeal from the 101st Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. DC-21-06299.  
Opinion delivered by Chief Justice  
Burns. Justices Goldstein and Smith  
participating.

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

Judgment entered April 19, 2022.