

**DISMISS and Opinion Filed October 7, 2022**



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

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**No. 05-22-00170-CV**

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**CHUAN CHEN AND M. TAYARI GARRETT, Appellants**

**V.**

**DEBORAH LUSHIA, 5335 BENT TREE FOREST DRIVE  
CONDOMINIUMS HOMEOWNERS' ASSOCIATION INC., AND  
MANAGEMENT OF ASSOCIATIONS AND COMMUNITIES, INC.,  
Appellees**

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**On Appeal from the 192nd Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-21-17249**

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**MEMORANDUM OPINION**

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

Appellants Chuan Chen and her attorney M. Tayari Garrett appeal from the trial court's February 15, 2022 order transferring a case from county court to the underlying district court and awarding sanctions against Garrett. We questioned our jurisdiction over this appeal because there did not appear to be a final judgment or other appealable order. As directed, the parties filed letter briefs addressing the jurisdictional issue.

Generally, this Court has jurisdiction 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. A transfer order pursuant to local rules is neither a final judgment nor an interlocutory order for which an appeal is authorized by statute. *See Payne v. Eley*, No. 05-20-00506-CV, 2020 WL 2316068, at \*1 (Tex. App.—Dallas May 11, 2020, no pet.); *see also Albrecht v. Bank of New York Mellon for CWABS, Inc., Asset-Backed Certificates, Series 2005-17*, No. 05-17-00272-CV, 2018 WL 992023, at \*4 (Tex. App.—Dallas Feb. 21, 2018, pet. denied) (mem. op.) (appeal from final judgment following transfer, pursuant to local rule 1.06, of new case to court that previously dismissed related case for want of prosecution).

In the underlying case, Chen filed an application for temporary restraining order, temporary injunction, and permanent injunction in district court. The district court conducted a hearing on Chen's request for a temporary restraining order on December 3, 2021. Following the hearing, Chen filed a notice of nonsuit of her entire case.<sup>1</sup> The trial court signed an order dismissing the case without prejudice on December 8.

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<sup>1</sup> The notice of nonsuit is viewable on the trial court's website.

On December 13, Chen filed an identical lawsuit in county court. Without notice to appellees, the county court held a hearing and signed a temporary restraining order on December 17. In response, appellees filed, on December 23, a motion to transfer the related case from county court back to the district court and motion for sanctions against Garrett for failing to disclose that the county court case was related to the district court case as required by local rules. Appellees filed an amended motion to transfer on January 25. By order signed on February 16, 2022, the district court granted appellees' motion and transferred the county court lawsuit to itself. The district court also awarded sanctions against Garrett.

Although appellants filed a letter brief, they fail to cite any authority allowing a direct appeal of an order of transfer pursuant to local court rules. Because the appealed order is not subject to appellate review, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Bonnie Lee Goldstein/  
BONNIE LEE GOLDSTEIN  
JUSTICE

220170F.P05



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

**JUDGMENT**

CHUAN CHEN AND M. TAYARI  
GARRETT, Appellants

No. 05-22-00170-CV      V.

DEBORAH LUSHIA, 5335 BENT  
TREE FOREST DRIVE  
CONDOMINIUMS  
HOMEOWNERS' ASSOCIATION  
INC., AND MANAGEMENT OF  
ASSOCIATIONS AND  
COMMUNITIES, INC., Appellees

On Appeal from the 192nd Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. DC-21-17249.

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

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

It is **ORDERED** that appellees DEBORAH LUSHIA, 5335 BENT TREE  
FOREST DRIVE CONDOMINIUMS HOMEOWNERS' ASSOCIATION INC.  
AND MANAGEMENT OF ASSOCIATIONS AND COMMUNITIES, INC.  
recover their costs of this appeal from appellants CHUAN CHEN AND M. TAYARI  
GARRETT.

Judgment entered October 7, 2022