

DISMISS and Opinion Filed August 4, 2022



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

No. 05-22-00434-CV

**RECOVERY FUNDING SERVICE, LLC, ASSIGNEE OF HATTON W.
SUMNERS FOUNDATION FOR THE STUDY AND TEACHING OF THE
SCIENCE OF SELF-GOVERNMENT, INC., Appellant**

V.

**JAMES AMOS, JR., STEPHEN A. BATMAN, WILLIAM D. GROSS,
DENNIS MCCUSTION, REAGAN STEWART,
AND MICHAEL L. WHALEN, Appellees**

**On Appeal from the 162nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-21-11479**

MEMORANDUM OPINION

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

We questioned our jurisdiction over this appeal because there did not appear to be a final judgment and directed appellant to file a letter brief 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).

Appellant sued appellees James Amos, Jr., Stephen Bateman, William Gross, Reagan Stewart, Michael Whaley, and Dennis McCuiston. With the exception of Mr. McCuiston, appellees filed motions to dismiss pursuant to Texas Rule of Civil Procedure 91a and the Texas Citizens Participation Act. *See* TEX. R. CIV. P. 91a; TEX. CIV. PRAC. & REM. CODE ANN. § 27.003. The trial court granted the motions. Appellant's claims against Mr. McCuiston, however, remain pending. In its letter brief, appellant concedes that this Court lacks jurisdiction over this appeal at this time.

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

/Dennise Garcia/
DENNISE GARCIA
JUSTICE

220434F.P05



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

JUDGMENT

RECOVERY FUNDING SERVICE,
LLC, ASSIGNEE OF HATTON W.
SUMNERS FOUNDATION FOR
THE STUDY AND TEACHING OF
THE SCIENCE OF SELF-
GOVERNMENT, INC., Appellant

On Appeal from the 162nd Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DC-21-11479.
Opinion delivered by Justice Garcia.
Justices Molberg and Reichek
participating.

No. 05-22-00434-CV V.

JAMES AMOS, JR., STEPHEN A.
BATMAN, WILLIAM D. GROSS,
DENNIS MCCUSTION, REAGAN
STEWART, AND MICHAEL L.
WHALEN, Appellees

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

It is **ORDERED** that appellees JAMES AMOS, JR., STEPHEN A.
BATMAN, WILLIAM D. GROSS, DENNIS MCCUSTION, REAGAN
STEWART, AND MICHAEL L. WHALEN recover their costs of this appeal from
appellant RECOVERY FUNDING SERVICE, LLC, ASSIGNEE OF HATTON W.
SUMNERS FOUNDATION FOR THE STUDY AND TEACHING OF THE
SCIENCE OF SELF-GOVERNMENT, INC.

Judgment entered August 4, 2022