

DISMISS and Opinion Filed November 16, 2022



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

No. 05-22-01126-CV

CRISTIN E. PADGET, Appellant

V.

**DAVID TROWBRIDGE, STEPHEN HOWARD, MIRNA BALOUL,
MARC GILPIN, LARRY MCNUTT, SPACEE, INC., AND
BUNNINGS GROUP LIMITED, Appellees**

**On Appeal from the 192nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-22-08337**

MEMORANDUM OPINION

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

This Court questioned its jurisdiction over this appeal because there did not appear to be a final judgment or appealable interlocutory order. We directed appellant to file, by November 3, 2022, a letter brief addressing the jurisdictional issue and cautioned her that failure to do so may result in dismissal of the appeal without further notice. As of today's date, appellant has not filed a response.

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 asserted claims against seven defendants. One of the defendants, Spacee, Inc., asserted a counterclaim against appellant. Appellant appeals from the trial court's September 19, 2022 order granting a motion to dismiss filed by six of the seven defendants. Because appellant's claims against the non-moving defendant and a counterclaim remain 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).

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

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

JUDGMENT

CRISTIN E. PADGET, Appellant

No. 05-22-01126-CV V.

DAVID TROWBRIDGE, STEPHEN
HOWARD, MIRNA BALOUL,
MARC GILPIN, LARRY MCNUTT,
SPACEE, INC., AND
BUNNINGS GROUP LIMITED,
Appellees

On Appeal from the 192nd Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DC-22-08337.
Opinion delivered by Chief Justice
Burns. Justices Molberg and
Goldstein participating.

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

It is **ORDERED** that appellees DAVID TROWBRIDGE, STEPHEN
HOWARD, MIRNA BALOUL, MARC GILPIN, LARRY MCNUTT, SPACEE,
INC., AND BUNNINGS GROUP LIMITED recover their costs of this appeal from
appellant CRISTIN E. PADGET.

Judgment entered November 16, 2022