

DISMISS and Opinion Filed August 30, 2023



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

No. 05-23-00596-CV

RODNEY B. ALLEN, Appellant

V.

**PR GENESIS KATY LP D/B/A THE KATY VICTORY PARK,
MANDY ZAPATA A/K/A AMANDA ZAPATA, LINDSEY NEFF,
GUGV VICTORY PARK DALLAS PROPERTY OWNING LLC,
SHERI FANOUS, LAUREN BROWN, PHILLIP HARDAWAY,
I & G DIRECT REAL ESTATE 44, LP, GEE FERRARRI,
MICHAEL HUNT, APRIL DEMPSEY, AND RACHEL COLE, Appellees**

**On Appeal from the 298th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-21-17509**

MEMORANDUM OPINION

Before Chief Justice Burns, Justice Pedersen, III, and Justice Goldstein
Opinion by Chief Justice Burns

The Court questioned its jurisdiction over this appeal because there did not appear to be a final judgment or appealable interlocutory order. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (generally appellate courts have jurisdiction over final judgments and certain interlocutory orders as permitted by statute); *see also* 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. We directed appellant to file a letter brief addressing the jurisdictional issue.

Appellant appeals from the trial court's June 2, 2023 order granting summary judgment for some but not all of the defendants. Appellant's claims against the non-moving defendants remain pending. In his jurisdictional brief, appellant appears to acknowledge the order is not appealable by stating that he filed the notice of appeal "reserving his rights to appeal the Judge's decision at the appropriate time." Accordingly, on the record before us, we dismiss the appeal for want of jurisdiction. *See id.*; *see also* 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

RODNEY B. ALLEN, Appellant

No. 05-23-00596-CV V.

PR GENESIS KATY LP D/B/A THE
KATY VICTORY PARK,
MANDY ZAPATA A/K/A
AMANDA ZAPATA, LINDSEY
NEFF, GUGV VICTORY PARK
DALLAS PROPERTY OWNING
LLC, SHERI FANOUS, LAUREN
BROWN, PHILLIP HARDAWAY,
I & G DIRECT REAL ESTATE 44,
LP, GEE FERRARRI, MICHAEL
HUNT, APRIL DEMPSEY, AND
RACHEL COLE, Appellees

On Appeal from the 298th Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DC-21-17509.
Opinion delivered by Chief Justice
Burns. Justices Pedersen, III and
Goldstein participating.

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

Judgment entered August 30, 2023