

Opinion issued January 31, 2011.



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-09-00884-CV

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**JAMES PARTSCH GALVAN, Appellant**

**V.**

**HARRIS COUNTY, ON BEHALF OF ITSELF AND ON BEHALF OF THE  
HARRIS COUNTY EDUCATION DEPARTMENT, THE PORT OF  
HOUSTON AUTHORITY OF HARRIS COUNTY, THE HARRIS COUNTY  
FLOOD CONTROL DISTRICT, THE HARRIS COUNTY HOSPITAL  
DISTRICT, CITY OF HOUSTON, HOUSTON INDEPENDENT SCHOOL  
DISTRICT, HARRIS COUNTY EDUCATION DISTRICT, AND HOUSTON  
COMMUNITY COLLEGE SYSTEM, AND DOROTHY F. MEYER,  
Appellees**

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**On Appeal from the 189th District Court  
Harris County, Texas  
Trial Court Cause No. 2007-59203**

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## MEMORANDUM OPINION

Appellant, James Partsch Galvan, attempts to appeal from the trial court's order granting partial summary judgment in favor of appellee, Dorothy F. Meyer. We dismiss as moot.

With few exceptions, an appeal may only be taken from a final judgment. *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). On January 28, 2010, the trial court signed a final judgment in the above-referenced case. On March 15, 2010, however, the trial court granted a motion for new trial and reinstated the case. The granting of a motion for new trial restores the case to its position before the former trial. *See Wilkins v. Methodist Health Care Sys.*, 160 S.W.3d 559, 563 (Tex. 2005). The appeal is rendered moot by the order granting a new trial.

Accordingly, we dismiss the appeal as moot. *See* TEX. R. APP P. 43.2(f). In addition, we dismiss any pending motions as moot.

We direct the Clerk to issue the mandate within 10 days of the date of this opinion. *See* TEX. R. APP. P. 18.1.

## PER CURIAM

Panel consists of Justices Keyes, Sharp, and Massengale.