

Dismissed and Memorandum Opinion filed April 24, 2012.



In The

Fourteenth Court of Appeals

NO. 14-12-00262-CV

ACE PARKING MANAGEMENT, INC., Appellant

V.

MAIN STREET PARKING, LIMITED and BRANTLEY MINOR, Appellees

**On Appeal from the 80th District Court
Harris County, Texas
Trial Court Cause No. 2009-50648**

MEMORANDUM OPINION

This is an attempted discretionary interlocutory appeal of an order signed February 28, 2012, permitting an interlocutory appeal from partial summary judgment orders. Generally, appeals may be taken only from final judgments. *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). Interlocutory orders may be appealed only if permitted by statute. *Bally Total Fitness Corp. v. Jackson*, 53 S.W.3d 352, 352 (Tex. 2001); *Jack B. Anglin Co., Inc. v. Tipps*, 842 S.W.2d 266, 272 (Tex. 1992) (orig. proceeding).

Section 51.014(d)-(f) of the Texas Civil Practice and Remedies Code, as amended

in 2011, provides for appeals from orders that are not otherwise appealable when permitted by the trial court. The 2011 amendments to the statute explicitly apply only to cases commenced on or after September 1, 2011. *See* Act of May 25, 2011, 82nd Leg. R.S., ch. 203, §§ 3.01, 6.01 2011 Tex. Gen. Laws 758, 761. Before the 2011 amendments, the statute required that all parties agree to the interlocutory appeal. *See* Act of May 27, 2005, 79th Leg. R.S., ch. 1051, §§ 102, 2005 Tex. Gen. Laws 3512, 3512-13 (former Tex. Civ. Prac. & Rem. Code §. 51.014(d)).

This suit commenced in 2009; therefore, it is governed by the prior version of the statute requiring the agreement of all parties before an interlocutory appeal may be taken. On April 2, 2012, this court received notice that appellee, Main Street Parking, Ltd, objects to an interlocutory appeal in this case.

On April 3, 2012, this court notified the parties that it would dismiss the appeal for want of jurisdiction unless any party filed a response within ten days demonstrating that this court has jurisdiction over the appeal. No response was filed.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Seymore and Brown.