

**Petition for Permission to Appeal Denied and Memorandum Opinion filed  
November 25, 2014.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-14-00849-CV**

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**MORGAN STANLEY & COMPANY LLC F/K/A MORGAN STANLEY &  
CO. INC., Appellant**

**V.**

**FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER FOR  
FRANKLIN BANK, S.S.B., Appellee**

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**On Appeal from the 151st District Court  
Harris County, Texas  
Trial Court Cause No. 2011-67305**

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**M E M O R A N D U M    O P I N I O N**

Before this court is a petition for permission to appeal an interlocutory order that is not otherwise appealable. Morgan Stanley & Company LLC f/k/a Morgan Stanley & Co. Inc., referred to as appellant, filed a petition under Texas Rule of Appellate Procedure 28.3 seeking permission from this court for an interlocutory

appeal under Texas Civil Practice and Remedies Code section 51.014(d). Appellant's petition seeks permission to appeal an interlocutory order signed April 26, 2013, denying its motion for summary judgment and special exceptions. *See* Tex. Civ. Prac. & Rem. Code § 51.014(d) (specifying circumstances under which trial court may grant written permission to appeal an otherwise unappealable order); *see also* Tex. R. App. P. 28.3; Tex. R. Civ. P. 168. The petition was filed in this court on October 22, 2014. On November 3, 2014, the Federal Deposit Insurance Corporation as Receiver for Franklin Bank, S.S.B., referred to as appellee, filed a response in opposition to the petition and on November 10, 2014, appellant filed a reply.

After careful consideration of the petitions and responses, including the items in the appendices attached thereto, and the rules applicable to permissive appeals, we deny appellant's petition seeking permission to appeal the trial court's interlocutory order signed April 26, 2013. Accordingly, we dismiss the appeal for want of jurisdiction. *See* Tex. R. App. P. 43 .2(f).

PER CURIAM

Panel consists of Justices McCally, Brown and Wise.