

Dismissed and Memorandum Opinion filed September 15, 2015.



In The

Fourteenth Court of Appeals

NO. 14-14-00518-CV

PIROCHEM INTERNATIONAL, L.L.C., Appellant

V.

**XELLIA PHARMACEUTICALS APS, F/K/A AXELLIA
PHARMACEUTICALS, APS, Appellee**

**On Appeal from the 80th District Court
Harris County, Texas
Trial Court Cause No. 2013-36994**

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

This is an attempted appeal of a judgment rendered on a suit on a sworn account. We abated the appeal for the trial court to clarify whether its March 25, 2014 order granting summary judgment to appellee Xellia Pharmaceuticals APS was a final judgment. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 206 (Tex. 2001). Then, the trial court signed a “modified interlocutory partial summary judgment,” clarifying that its earlier summary judgment order was not final

because it did not dispose of Xellia's request for attorney's fees. The trial court ordered that the issue of attorney's fees is "a remaining fact issue for trial."

The trial court's order granting summary judgment to Xellia is not a final judgment. *See Wasserberg v. RES-TX One, LLC*, No. 14-13-00674-CV, 2014 WL 6922545, at *4 (Tex. App.—Houston [14th Dist.] Dec. 9, 2014, pet. filed) (mem. op.); *Youngblood & Assocs, P.L.L.C. v. Duhon*, 57 S.W.3d 63 (Tex. App.—Houston [14th Dist.] 2001, no pet.). Thus, we lack jurisdiction. *See, e.g., Lehmann*, 39 S.W.3d at 195.

The appeal is reinstated and dismissed for lack of appellate jurisdiction.

/s/ Sharon McCally
Justice

Panel consists of Chief Justice Frost and Justices Boyce and McCally.