

**Appeal Dismissed and Memorandum Opinion filed August 1, 2023.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-23-00426-CV**

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**BFS GROUP, LLC AS SUCCESSOR IN INTEREST TO BUILDERS  
FIRSTSOURCE - SOUTH TEXAS, LP., ERRONEOUSLY SUED AS  
PROBUILD SOUTH, LP AND BUILDER SERVICES GROUP, INC.,  
Appellants**

**V.**

**BIG TEX AIR CONDITIONING, INC., Appellee**

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**On Appeal from the 56th District Court  
Galveston County, Texas  
Trial Court Cause No. 22-CV-1740**

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**MEMORANDUM OPINION**

This is an attempted appeal from an order signed June 5, 2023 granting a motion to compel arbitration regarding a variety of claims advanced in the above trial court proceeding, but not all of them. Generally, appeals may be taken only from final judgments. *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001).

When orders do not dispose of all pending parties and claims, the orders remain interlocutory and unappealable until final judgment is rendered unless a statutory exception applies. *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). Orders compelling arbitration are not exceptions to this rule; they normally remain unappealable interlocutory orders.<sup>1</sup> *See Chambers v. O’Quinn*, 242 S.W.3d 30, 31–32 (Tex. 2007) (per curiam).

On June 30, 2023, notification was transmitted to the parties of this court’s intention to dismiss the appeal for want of jurisdiction unless any demonstrated this court has jurisdiction over this appeal on or before July 21, 2023. *See* Tex. R. App. P. 42.3(a). No party has filed a response demonstrating this court has jurisdiction over this appeal.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Jewell, Hassan, and Wilson.

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<sup>1</sup> On July 5, 2023, appellant BFS Group, LLC filed a document implying it intends to seek mandamus relief as an alternative to pursuing relief through an interlocutory appeal. We express no opinion here on whether mandamus relief is proper or available.