

Appeal Dismissed and Memorandum Opinion filed November 21, 2023.



In The

Fourteenth Court of Appeals

NO. 14-23-00665-CV

MARSHA MATHIS, Appellant

V.

THE KROGER CO. AND KROGER TEXAS L.P., Appellees

**On Appeal from the 190th District Court
Harris County, Texas
Trial Court Cause No. 2022-53523**

MEMORANDUM OPINION

This is an appeal from a judgment signed August 8, 2023, in which the trial court rendered judgment for appellee Kroger Texas L.P. against appellant Marsha Mathis. By its terms, however, the judgment did not resolve claims raised by appellant against appellee The Kroger Co. As near as can be determined from the appellate record, those claims remain pending in the trial court proceeding. Accordingly, the judgment is interlocutory rather than final, and it is accordingly not appealable. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 200 (Tex. 2001) (“A

judgment that finally disposes of all remaining parties and claims, based on the record in the case, is final, regardless of its language.”). The appealed-from judgment also lacks any apparent basis for being immediately appealable. *See CMH Homes v. Perez*, 340 S.W.3d 444, 447 (Tex. 2011) (acknowledging the general rule that “interlocutory orders are not immediately appealable”).

On October 30, 2023, the parties were informed the appeal was subject to dismissal without further notice for want of jurisdiction unless any party demonstrated by November 9, 2023 that this court had jurisdiction. *See* Tex. R. App. P. 42.3(a). Neither party has filed a response.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Christopher and Justices Wise and Jewell.