

Court of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-10-00569-CV

James **ZIMMERHANZEL** and Linda Zimmerhanzel,
Appellants

v.

William O. **SMITH**, Jr., Nancy A. Smith, J.M. Butz, Jr. d/b/a Butz Land Surveying, et al.,
Appellees

From the 25th Judicial District Court, Guadalupe County, Texas
Trial Court No. 2008-0148-CV
Honorable Dwight E. Peschel, Judge Presiding

PER CURIAM

Sitting: Phylis J. Speedlin, Justice
Rebecca Simmons, Justice
Steven C. Hilbig, Justice

Delivered and Filed: October 27, 2010

DISMISSED

On September 22, 2010, we ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellants seek to appeal an order signed on April 29, 2010 dismissing their claims against J.M. Butz, Jr. d/b/a Butz Land Surveying, one of several defendants in the underlying cause. It appears from the clerk's record that the dismissal order is interlocutory because it does not dispose of the appellants' other pending claims, and no severance order appears in the record. A judgment that does not dispose of all parties and causes

of action is not final and appealable. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 200 (Tex. 2001); *City of Beaumont v. Guillory*, 751 S.W.2d 491, 492 (Tex. 1988). Interlocutory orders may be appealed only if a specific statute authorizes an interlocutory appeal. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014 (West 2008).

Appellants responded to our order and agreed that the failure to sever Butz's claims is fatal to the appeal and concede that the appeal must be dismissed. Accordingly, we dismiss the appeal for lack of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

PER CURIAM