



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-13-00599-CV

Gregory **JACKSON**,  
Appellant

v.

Kevin **CARLTON**,  
Appellee

From the 407th Judicial District Court, Bexar County, Texas  
Trial Court No. 2012-CI-19961  
Honorable Martha B. Tanner, Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Chief Justice  
Karen Angelini, Justice  
Luz Elena D. Chapa, Justice

Delivered and Filed: November 20, 2013

DISMISSED FOR LACK OF JURISDICTION

Gregory Jackson appeals the trial court's August 6, 2013 order granting in part the no evidence motion for summary judgment filed by Kevin Carlton. The trial court's order granted summary judgment dismissing Jackson's claims for violations of the Deceptive Trade Practices Act, negligent misrepresentation, and negligent hiring, supervision and/or management. The trial court's order denied summary judgment on Jackson's negligence and fraud claims. Neither the motion nor the order addressed Carlton's counterclaim. Jackson's notice of appeal states he is appealing "the denial of claims concerning violations of the Deceptive Trade Practices Act."

A summary judgment order is final for purposes of appeal only if it either “actually disposes of all claims and parties then before the court, ... or it states with unmistakable clarity that it is a final judgment as to all claims and all parties.” *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 192-93 (Tex. 2001). The order appealed in this case does neither. If a summary judgment order does not dispose of all issues and all parties, it is interlocutory and not appealable absent a severance. *Mafrige v. Ross*, 866 S.W.2d 590, 591 (Tex. 1993). The clerk’s record does not contain an order of severance.

We ordered appellant to show cause why the appeal should not be dismissed for lack of jurisdiction, and advised Jackson the appeal would be dismissed if he did not file a satisfactory response by the date ordered. Jackson did not respond to this court’s order. Because the order appealed is interlocutory and is not a final, appealable judgment, we dismiss this appeal for lack of jurisdiction.

PER CURIAM