



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00645-CV

Raul **GALAZ**,
Appellant

v.

CHASE BANK USA, N.A., and Vion Holdings LLC Assignee of Chase Bank USA, N.A.,
Appellees

From the County Court at Law No. 2, Bexar County, Texas
Trial Court No. 369246
Honorable Jason Pulliam, Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: October 23, 2013

DISMISSED FOR WANT OF JURISDICTION

Appellee Vion Holdings LLC, an assignee of certain credit card debt from Appellee Chase Bank USA, sued Appellant Raul Galaz for breach of contract. Vion alleged that Galaz failed to pay for debt incurred on credit card accounts for which Vion alleged Galaz was responsible. Galaz filed cross-claims against Chase Bank. After Vion non-suited Galaz, Chase Bank removed the case to federal district court. The district court remanded the case to the county court on December 21, 2011. On July 26, 2012, Galaz filed a counterclaim against Vion. On February 6, 2013, Chase

Bank and Galaz reached a settlement agreement. The agreement disposed of all claims between Chase Bank and Galaz, but expressly did not dismiss any causes of action Galaz had against Vion.

On May 30, 2013, the trial court issued findings of fact and conclusions of law. It found that Galaz did not serve Vion with his counterclaim. The trial court concluded that Vion was not a party to the suit when Galaz filed his counterclaim.

On August 20, 2013, Galaz filed a notice of appeal. After reviewing the record, on September 25, 2013, we ordered Galaz to show cause in writing why this appeal should not be dismissed for want of jurisdiction because the appellate record does not contain a final judgment. *See* TEX. R. APP. P. 42.3(a); *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (noting that generally “an appeal may be taken only from a final judgment”). Galaz’s timely response conceded that the appellate record does not contain a final judgment.

Therefore, we dismiss this appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a); *Lehmann*, 39 S.W.3d at 195. Costs of court for this appeal are taxed against Appellant.

PER CURIAM