



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

**MEMORANDUM OPINION**

No. 04-17-00419-CV

Douglas **HEDRICK** and Mark Hedrick,  
Appellants

v.

**JBRF, LLC**, Lonestar Handgun, LLC, and Joshua Felker,  
Appellees

From the 166th Judicial District Court, Bexar County, Texas  
Trial Court No. 2017CI09897  
Honorable Cathleen M. Stryker, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice  
Karen Angelini, Justice  
Marialyn Barnard, Justice

Delivered and Filed: September 6, 2017

DISMISSED FOR LACK OF JURISDICTION

On August 10, 2017, appellants filed a written notice advising this court that the trial court signed orders on August 7, 2017, granting a new trial and setting aside a severance order. Because the severance order was set aside, appellants noted claims remained pending before the trial court.

On August 14, 2017, appellees filed a response to appellants' notice advising this court that the trial court signed a third order on August 7, 2017, disposing of the merits of the pending claims but leaving the appellees' claim for attorney's fees pending. Appellees state their intention to file a motion in the trial court to determine the attorney's fees claim which will result in a final order.

On August 16, 2017, this court issued an order requesting the appellants to clarify whether they were requesting this court to dismiss the appeal or whether they would prefer the appeal be abated for a reasonable period of time to allow the trial court to resolve the attorney's fees claim. On August 22, 2017, appellants responded that multiple claims are pending in the trial court that must be adjudicated before a final judgment can be entered.

“When a motion for new trial is granted, the case [is] reinstated upon the docket of the trial court and [will] stand for trial the same as though no trial had been had.” *Wilkins v. Methodist Health Care Sys.*, 160 S.W.3d 559, 563 (Tex. 2005) (internal quotations omitted). Because the trial court has granted a motion for new trial, there is no final judgment. Accordingly, we dismiss this appeal for lack of jurisdiction.

PER CURIAM