

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-20-00001-CV

ALVIN ALLEN JR., Appellant

V.

CROWN PINE TIMBER 1, LP, Appellee

On Appeal from the 253rd District Court
Liberty County, Texas
Trial Cause No. CV1813827

MEMORANDUM OPINION

Appellant Alvin Allen, Jr. petitioned this Court to allow a permissive appeal of the trial court's December 4, 2019 interlocutory order denying Crown Pipe Timber 1, LP's motion for partial summary judgment.¹ Crown Pine Timber 1, LP filed a response.

¹ See Tex. Civ. Prac. & Rem. Code Ann. § 51.014(d) (Supp.); see also Tex. R. App. P. 28.3.

To perfect a permissive appeal from an interlocutory order that is not otherwise appealable, the appellant, when in the trial court, must establish “(1) the order to be appealed involves a controlling question of law as to which there is a substantial ground for difference of opinion[,] and (2) an immediate appeal from the order may materially advance the ultimate termination of the litigation.”² After reviewing the petition and the response, we conclude that Allen’s petition for permissive appeal fails to establish the grounds necessary to support a ruling granting his request.³ For that reason, we deny Allen’s petition for a permissive appeal.⁴

PETITION DENIED

PER CURIAM

Submitted on April 1, 2020
Opinion Delivered April 2, 2020

Before McKeithen, C.J., Kreger and Horton, JJ.

² Tex. Civ. Prac. & Rem. Code Ann. § 51.014(d).

³ See Tex. R. App. P. 28.3(e)(4).

⁴ *Gulf Coast Asphalt Co., L.L.C. v. Lloyd*, 457 S.W.3d 539, 543 (Tex. App.—Houston [14th Dist.] 2015, no pet.).