



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-12-00231-CV**

JAMES C. THOMASON AND  
DOROTHY L. LUPTON

APPELLANTS

V.

ROBERT W. ALLEN AND WIFE  
BARBARA J. ALLEN; JAMES E.  
BADGETT AND DARRYL G. POU;  
LARRY BRADSHAW AND WIFE  
SHARON BRADSHAW; TYLER J.  
CHILD AND WIFE BETTINA CHILD;  
TOM E. COLE AND WIFE TINA  
COLE; HANNA L. ERICKSON;  
GARY W. ELLIOTT AND WIFE  
LAVADA ELLIOTT; BRYAN G.  
FEILLE AND WIFE LAURIE P.  
FEILLE; BRUCE FOWLER AND  
WIFE ANNETTE FOWLER;  
DONALD M. GUMMELT AND WIFE  
CONSTANCE GUMMELT; FRED  
HAFFNER AND WIFE LINDA  
HAFFNER; MICHAEL R. HALE AND  
WIFE LORI HALE; RAY HALL, JR.  
AND WIFE KIMBERLY HALL;  
DONALD MAHANAY AND WIFE  
CHRISTY MAHANAY; HAROLD N.  
MONTRAY, JR. AND WIFE NANCY  
MONTRAY; MICHAEL R. NOAH AND  
WIFE PEGGY NOAH; VINCENT C.  
SANCHEZ AND WIFE GLORIA M.  
SANCHEZ; LARRY J. SHARP AND

APPELLEES

WIFE JACQUELINE SHARP;  
HAROLD THOMAS AND WIFE  
YOLANDA THOMAS; AND  
STEVEN G. WELTHA AND WIFE  
CATHERINE A. WELTHA

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FROM THE 43RD DISTRICT COURT OF PARKER COUNTY

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**MEMORANDUM OPINION<sup>1</sup>**

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The trial court granted a summary judgment in cause number CV11-0428 on May 9, 2012, in favor of Appellees James E. Badgett, Darryl G. Pou, Larry Bradshaw and wife Sharon Bradshaw, Tyler J. Child and wife Bettina Child, Gary W. Elliott and wife Lavada Elliott, Bryan G. Feille and wife Laurie P. Feille, Bruce Fowler and wife Annette Fowler, Donald M. Gummelt and wife Constance Gummelt, Fred Haffner and wife Linda Haffner, Michael R. Hale and wife Lori Hale, Ray Hall, Jr. and wife Kimberly Hall, Donald Mahanay and wife Christy Mahanay, Michael R. Noah and wife Peggy Noah, Vincent C. Sanchez and wife Gloria M. Sanchez, and Larry J. Sharp and wife Jacqueline Sharp. The summary judgment did not dispose of the following pro se Appellees: Robert W. Allen and wife Barbara J. Allen, Tom E. Cole and wife Tina Cole, Hanna L. Erickson,

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<sup>1</sup>See Tex. R. App. P. 47.4.

Harold N. Montray, Jr. and wife Nancy Montray, Harold Thomas and wife Yolanda Thomas, and Steven G. Weltha and wife Catherine A. Weltha.

On June 7, 2012, Appellants James C. Thomason and Dorothy L. Lupton filed a notice of appeal from the order granting the summary judgment. Shortly thereafter, on June 15, 2012, the trial court signed an amended order severing all claims and causes of action between Appellants and the Appellees who were awarded summary judgment and assigned the case a new cause number, CV12-0790. Appellants have filed a separate notice of appeal in that cause challenging the order granting summary judgment, and that appeal (02-12-00303-CV) remains pending.

However, Appellants' appeal from the interlocutory order granting summary judgment in cause number CV11-0428 must be dismissed because the summary judgment did not dispose of the pro se Appellees.<sup>2</sup> See *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (reasoning that a judgment or order is final for purposes of appeal if it disposes of all pending parties and claims before the court). Accordingly, we dismiss this appeal for want of jurisdiction. See Tex. R. App. P. 42.3(a), 43.2(f).

PER CURIAM

PANEL: MEIER, J.; LIVINGSTON, C.J.; and GABRIEL, J.

DELIVERED: August 9, 2012

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<sup>2</sup>We notified Appellants that the appeal may be dismissed due to this jurisdictional defect, but they did not file a response.