



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

NO. 02-17-00103-CV

ICONIC MOTION SPORTS, LLC,
NPH INVESTMENTS, LLC, CSJ
ACQUISITIONS CO. A/K/A CSJ
ACQUISITIONS CORP., ICONIC
MOTION COMPANY, LLC, ERICK
SACKS, AND MICHELLE PACIFICO

APPELLANTS

V.

JOHN GRIJALVA AND CHARLYN
GRIJALVA

APPELLEES

FROM THE 158TH DISTRICT COURT OF DENTON COUNTY
TRIAL COURT NO. 14-02182-158

MEMORANDUM OPINION¹

¹See Tex. R. App. P. 47.4.

Iconic Motion Sports, LLC, NPH Investments, LLC, CSJ Acquisitions Co. a/k/a/ CSJ Acquisitions Corp., Iconic Motion Company, LLC, Erick Sacks, and Michelle Pacifico attempt to appeal from the trial court's March 10, 2017 "Contempt Order."

On April 12, 2017, we notified the parties of our concern that this court lacks jurisdiction over this appeal because it appeared that the trial court had not signed a final judgment or an appealable interlocutory order. We also informed them that this appeal may be dismissed for want of jurisdiction unless Appellants or any other party desiring to continue the appeal filed with this court, on or before April 24, 2017, a response showing grounds for continuing the appeal. See Tex. R. App. P. 42.3(a), 44.3. None of the parties has filed a response.

Despite the order's title, the trial court did not find any of the parties in contempt, impose a fine, or order a party's confinement. It did, however, (1) find that Appellants had not complied with a prior discovery order, (2) order Appellants to authorize the release of their tax returns and certain banking information—documents that were the subject of the prior discovery order—to Appellees, (3) impose monetary sanctions against Sacks for attorneys' fees, and (4) state that if Appellants did not timely comply with the "Contempt Order," they would be held in contempt and sanctioned accordingly.

But regardless of whether the "Contempt Order" is a contempt order or a sanctions order, we must dismiss the appeal for want of jurisdiction. "Decisions in contempt proceedings cannot be reviewed on appeal because contempt orders

are not appealable, even when appealed along with a judgment that is appealable.” *In re Office of Attorney Gen. of Tex.*, 215 S.W.3d 913, 915 (Tex. App.—Fort Worth 2007, orig. proceeding) (quoting *Cadle Co. v. Lobingier*, 50 S.W.3d 662, 671 (Tex. App.—Fort Worth 2001, pet. denied) (en banc op. on reh’g); see *Tex. Animal Health Comm’n v. Nunley*, 647 S.W.2d 951, 952 (Tex. 1983). Contempt orders involving confinement may be reviewed by writ of habeas corpus; contempt orders that do not involve confinement may be reviewed only through mandamus. *Office of Attorney Gen. of Tex.*, 215 S.W.3d at 916; see *Tracy v. Tracy*, 219 S.W.3d 527, 530 (Tex. App.—Dallas 2007, no pet.). And a contempt order does not become appealable because it contains an attorney’s-fees award as a sanction. *Inner City Mgmt., Inc. v. City of Dallas*, No. 05-05-01618-CV, 2006 WL 242350, at *1 (Tex. App.—Dallas Feb. 2, 2006, no pet) (mem. op.). Sanctions awards and discovery rulings are reviewable on appeal after a final judgment or through mandamus. See *In re Ford Motor Co.*, 988 S.W.2d 714, 722–23 (Tex. 1998) (orig. proceeding); *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 941 (Tex. 1998) (orig. proceeding); *TransAm. Nat. Gas Corp. v. Powell*, 811 S.W.2d 913, 919–20 (Tex. 1991) (orig. proceeding); *Pelt v. State Bd. of Ins.*, 802 S.W.2d 822, 827 (Tex. App.—Austin 1990, no writ); see also Tex. R. Civ. P. 215.1(d), 215.2(b)(8), 215.3.

Accordingly, we dismiss the appeal for want of jurisdiction.² Tex. R. App. P. 42.3(a), 43.2(f).

/s/ Elizabeth Kerr
ELIZABETH KERR
JUSTICE

PANEL: LIVINGSTON, C.J.; KERR and PITTMAN, JJ.

DELIVERED: June 8, 2017

²In their notice of appeal, Appellants “[gave] notice of their desire to appeal/petition for writ of mandamus” to this court. But Appellants have not filed a mandamus petition. See Tex. R. App. P. 52.1 (stating that an original proceeding “is commenced by filing a petition with the clerk of the appropriate appellate court”); see *also* Tex. R. App. P. 52.1–.11 (“Original Proceedings”).