



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-21-00179-CV

TRANSITIONAL HOSPITALS CORPORATION OF TEXAS, INC. D/B/A
KINDRED HOSPITAL-TARRANT COUNTY, AND KINDRED HEALTHCARE
OPERATING, INC., Appellants

v.

MARTHA ALEXIS MCCUE ON BEHALF OF WILLIAM JOHNSON, Appellee

On Appeal from the 96th District Court
Tarrant County, Texas
Trial Court No. 096-308076-19

Before Sudderth, C.J.; Kerr and Birdwell, JJ.
Memorandum Opinion by Chief Justice Sudderth

MEMORANDUM OPINION

On June 14, 2021, Appellants Transitional Hospitals Corporation of Texas, Inc. d/b/a Kindred Hospital-Tarrant County and Kindred Healthcare Operating, Inc. filed a notice of appeal of the trial court's April 27, 2021 order denying arbitration.

Because an interlocutory appeal of an order denying arbitration is accelerated, *see* Tex. Civ. Prac. & Rem. Code Ann. §§ 51.016, 171.098; Tex. R. App. P. 28.1(a), we notified Appellants of our concern that their notice of appeal had not been timely filed, thus depriving us of jurisdiction. *See* Tex. R. App. P. 26.1(b), 26.3, 28.1(b). We warned Appellants that we could dismiss the appeal for want of jurisdiction unless they filed a response showing grounds for continuing the appeal within 10 days of our notice. *See* Tex. R. App. P. 44.3.

Appellants filed a response, but it does not show grounds for continuing the appeal.¹ Accordingly, we dismiss the appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a), 43.2(f).

/s/ Bonnie Sudderth
Bonnie Sudderth
Chief Justice

¹In their response, Appellants agreed that their notice of appeal was not timely filed but argue that they are entitled to challenge the trial court's order by petition for writ of mandamus. They do not ask us to construe their notice of appeal and response as a petition for writ of mandamus. Instead, they state that they are "awaiting certified copies of the Court's pleadings, and transcript of hearing on their Motion to Compel Arbitration and *will file their Petition for Writ of Mandamus promptly upon receiving copies of the same.*" [Emphasis added.]

Delivered: July 15, 2021