



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

---

No. 07-18-00071-CV

---

**JOSHUA EPPS, APPELLANT**

**V.**

**GENERATION COVENANT F/K/A ADOPTION COVENANT AND MERINDA  
CONDRA, APPELLEES**

---

On Appeal from the County Court at Law No. 2  
Lubbock County, Texas  
Trial Court No. 2017-573,192, Honorable Drue Farmer, Presiding

---

**June 8, 2018**

**MEMORANDUM OPINION**

**Before QUINN, C.J., and CAMPBELL and PARKER, JJ.**

Appellant, Joshua Epps, attempts to appeal an interlocutory order granting summary judgment in favor of appellees, Generation Covenant F/K/A Adoption Covenant and Merinda Condra. We dismiss the appeal for want of jurisdiction.

Epps sued appellees under chapter 42 of the Family Code for interference with a possessory right to a child. Appellees answered the suit and filed a counterclaim seeking to recover attorney's fees and court costs pursuant to section 42.009. See TEX. FAM. CODE ANN. § 42.009 (West 2014) (entitling a person sued under chapter 42 to recover

attorney's fees and court costs if the claim is dismissed or judgment is awarded to the defendant and the court or jury finds the claim was frivolous). Appellees subsequently filed a no-evidence motion for summary judgment. On March 2, 2018, the trial court signed an order granting the motion. The order did not address appellees' counterclaim. This appeal followed.

Epps's brief was due April 23, 2018 but was not filed. On May 10, 2018, Epps's counsel filed a letter with this court stating "When this matter was appealed, I forgot about the counter-claim. That matter must be resolved for the case to be final." Counsel requested that we treat the notice of appeal as prematurely filed under appellate rule 27. By letter of May 16, 2018, we directed Epps to show why this court has jurisdiction over the appeal by May 29 as it did not appear that a final, appealable order or judgment had been entered in the case. Failure to do so, we advised, would result in dismissal of the appeal for want of jurisdiction. Epps did not respond to our letter.

Generally, appellate courts only have jurisdiction over final judgments. See *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). A judgment or order is a final judgment for purposes of appeal if it actually disposes of all pending parties and claims. *Id.* at 200. We have jurisdiction to consider immediate appeals of interlocutory orders only if a statute expressly provides us with such jurisdiction. *Stary v. DeBord*, 967 S.W.2d 352, 352–53 (Tex. 1998) (per curiam).

The trial court's order granting appellees' motion for summary judgment did not dispose of all claims and, therefore, is not final. Nor does any statute permit us to consider the interlocutory order. Thus, we lack jurisdiction over this appeal.

It is ordered that this appeal be dismissed for want of jurisdiction. TEX. R. APP. P.  
42.3(a).

Per Curiam