



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-09-00114-CV

JOAN CAPPS, Appellant

V.

NEXION HEALTH AT SOUTHWOOD, INC., D/B/A
SOUTHWOOD NURSING & REHABILITATION CENTER,
NEXION HEALTH, INC., AND NEXION HEALTH
MANAGEMENT, INC., Appellees

On Appeal from the 4th Judicial District Court
Rusk County, Texas
Trial Court No. 2007-207

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Carter

MEMORANDUM OPINION

Joan Capps, plaintiff below, filed a notice of appeal with this Court appealing the trial court's final judgment in trial court cause number 2007-207. Defendants below, Nexion Health at Southwood, Inc., d/b/a Southwood Nursing & Rehabilitation Center, Nexion Health, Inc., and Nexion Health Management, Inc., filed their notice of appeal from that same final judgment with the Tyler Court of Appeals.

This Court and the Tyler Court of Appeals share common jurisdiction over Rusk County, and appeals from that county may be filed in either the Sixth Court of Appeals at Texarkana or the Twelfth Court of Appeals at Tyler. TEX. GOV'T CODE ANN. § 22.201 (Vernon Supp. 2009).

Because notices of appeal were filed in both this Court and the Tyler Court, and because the parties were unable to agree on which court would handle the appeal, a drawing was held by the Rusk County District Clerk's Office. TEX. R. JUD. ADMIN. 15.4, *reprinted in* TEX. GOV'T CODE ANN. tit. 2, subtit. F. app. (Vernon Supp. 2009). As a result of that drawing, these appeals have been consolidated, and the Tyler court was selected as the court to handle these appeals, thereby vesting sole jurisdiction in that court.

We therefore dismiss this appeal for want of jurisdiction.

Jack Carter
Justice

Date Submitted: January 28, 2010
Date Decided: January 29, 2010