

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-15-00224-CV

Namken Construction, Inc. and Brandon Namken, Appellants

v.

Jeffrey Anderson and Cynthia Anderson, Appellees

**FROM THE DISTRICT COURT OF HAYS COUNTY, 428TH JUDICIAL DISTRICT
NO. 14-1456, HONORABLE R. BRUCE BOYER, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellants Namken Construction, Inc. and Brandon Namken have filed a motion to dismiss this appeal, which appellees Jeffrey Anderson and Cynthia Anderson do not oppose, because the trial court granted appellants' motion for new trial.¹ *See Wilkins v. Methodist Health Care Sys.*, 160 S.W.3d 559, 563 (Tex. 2005) (“[W]hen the trial court grants a motion for new trial, the court essentially wipes the slate clean and starts over.”). There is no longer a final and appealable judgment over which we may exercise jurisdiction. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). Accordingly, we dismiss this appeal for want of jurisdiction. *See Tex. R. App. P. 42.3(a)*.

¹ Appellants provided a file-stamped copy of the trial court's signed order granting their motion for new trial in the underlying suit.

Jeff Rose, Chief Justice

Before Chief Justice Rose, Justices Goodwin and Field

Dismissed for Want of Jurisdiction

Filed: June 25, 2015