

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-17-00359-CV**

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**Great Southwest Regional Center, LLC; Robert W. Frost;  
Kenneth Frost; and Frost Rains Holdings, LLC, Appellants**

**v.**

**ACSWD, LP, Appellee**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 53RD JUDICIAL DISTRICT  
NO. D-1-GN-15-000558, HONORABLE ORLINDA NARANJO, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

In the proceedings below, Appellants filed a motion seeking to dismiss Appellee's claims against them for lack of jurisdiction. After the trial court denied the motion, Appellants filed a notice of appeal in this Court. Appellee has now filed a motion to dismiss Appellants' appeal, asserting that the order that is the subject of the appeal is an unappealable, interlocutory order.

Generally, appellate courts have jurisdiction over appeals from final judgments. *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). A judgment is final for purposes of appeal if it disposes of all pending parties and claims. *Id.* This Court has jurisdiction to review interlocutory orders only when that authority is explicitly granted by statute. *See* Tex. Civ. Prac. & Rem. Code §§ 51.012, .014. Because they present a narrow exception to the general rule that interlocutory orders are not immediately appealable, statutes permitting interlocutory appeals are strictly applied. *CMH Homes v. Perez*, 340 S.W.3d 444, 447 (Tex. 2011).

The record reveals, and Appellants do not dispute, that no final judgment has been signed by the trial court and that claims currently remain pending in the proceedings below.<sup>1</sup> And, although section 51.014 of the Texas Civil Practice and Remedies Code expressly authorizes an interlocutory appeal from a trial court order that “grants or denies a plea to the jurisdiction by a governmental unit,” Appellants do not contend, nor does the record suggest, that Appellants are “governmental unit[s].” *See* Tex. Civ. Prac. & Rem. Code § 51.014(a)(8) (allowing appeals from certain interlocutory orders); *see also id.* § 101.001 (defining “governmental unit”). Because there is no statutory authority generally permitting an interlocutory appeal from a trial court order denying a motion to dismiss for lack of jurisdiction, we do not have jurisdiction to consider the merits of this appeal.

We grant Appellee’s motion and dismiss this appeal. *See* Tex. R. App. P. 42.3(a).

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Scott K. Field, Justice

Before Justices Puryear, Field, and Bourland

Dismissed for Want of Jurisdiction

Filed: August 25, 2017

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<sup>1</sup> In response, Appellants do not assert that appellate review of the trial court’s order is authorized by statute. Instead, Appellants argue that because the jurisdictional issue before the court is “unrelated to the merits of [Appellee’s] claims,” the ruling represents a “distinct phase of a case [that] is considered final for appellate purposes.” We recognize that probate cases “are an exception to the ‘one final judgment rule’ [and that] multiple judgments final for purposes of appeal can be rendered on discrete issues.” *See De Ayala v. Mackie*, 193 S.W.3d 575, 578 (Tex. 2006). However, this appeal does not arise from probate proceedings, and consequently, Appellants’ reliance on this exception is misplaced.