

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

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**NO. 03-18-00432-CV**

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**Arthur LaGuette, Appellant**

**v.**

**U.S. Bank, N.A., as Trustee for the Holders of the Specialty  
Underwriting and Residential Finance Trust, Mortgage Loan  
Asset-Backed Certificates, Series 2006-BC4, Appellee**

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**FROM THE 26TH DISTRICT COURT OF WILLIAMSON COUNTY  
NO. 15-1161-C26, THE HONORABLE DONNA GAYLE KING, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellee U.S. Bank, N.A., as Trustee for the Holders of the Specialty Underwriting and Residential Finance Trust, Mortgage Loan Asset-Backed Certificates, Series 2006-BC4, has filed a motion to dismiss this appeal. Appellant Arthur LaGuette filed a notice of appeal on June 27, 2018, from an April 10, 2018 order granting U.S. Bank’s motion for summary judgment. The notice of appeal states, “Please take note that this Notice of Appeal is filed prematurely and will become effective in accordance with T.R.A.P. 27.” In its motion, U.S. Bank explains that the April 10, 2018 order dismissed LaGuette’s claims, but did not seek relief on U.S. Bank’s claims against LaGuette. Accordingly, those claims remain outstanding. Furthermore, the order does not contain a clear and unequivocal finality phrase stating that it finally disposes of all claims and all parties. *See In re Elizondo*, 544 S.W.3d 824, 827–828 (2018) (per curiam) (analyzing *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 205–06 (Tex.

2001)). There is no indication that a final judgment is imminent. As a general rule, a party may only appeal from a final judgment. *Lehmann*, 39 S.W.3d at 195. Accordingly, we grant appellee's motion and dismiss the appeal. *See* Tex. R. App. P. 42.3(a).

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Bob Pemberton, Justice

Before Chief Justice Rose, Justices Pemberton and Field

Dismissed for Want of Jurisdiction

Filed: July 27, 2018