

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-21-00265-CV

Kianna Broadway, Appellant

v.

Lean On 8, Inc. d/b/a Chick-fil-A of Kyle, Appellee

**FROM THE 274TH DISTRICT COURT OF HAYS COUNTY
NO. 20-2036, THE HONORABLE GARY L. STEEL, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Kianna Broadway filed a notice of appeal from the trial court’s March 11, 2021 “Order Granting Lean On 8, Inc. d/b/a Chick-fil-A’s Motion for Summary Judgment.” Upon initial review, the Clerk of this Court sent Broadway a letter informing her that this Court appears to lack jurisdiction over the appeal because our jurisdiction is limited to appeals in which there exists a final or appealable judgment or order. *See* Tex. Civ. Prac. & Rem. Code § 51.012; *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (explaining that appeal generally may only be taken from final judgment that disposes of all pending parties and claims in record unless statute provides for interlocutory appeal). In this case, the trial court’s order only disposes of Broadway’s claims against one defendant, and an order granting summary judgment in favor of only one of multiple defendants is not an appealable interlocutory order. *Sary v. DeBord*, 967 S.W.2d 352, 352-53 (Tex. 1998) (“Appellate courts have jurisdiction to consider immediate appeals of interlocutory orders only if a statute explicitly

provides appellate jurisdiction.”); *see also* Tex. Civ. Prac. & Rem. Code § 51.014 (specifically permitting appeal of various interlocutory orders but not permitting appeal from grant of partial summary judgment). The Clerk requested a response on or before September 13, 2021, informing this Court of any basis that exists for jurisdiction. Broadway filed a response, stating that after review of the trial court’s order, she concedes that it did not dispose of all the parties in the case, is interlocutory, and is not a final, appealable order.

Accordingly, for the reasons explained above, we dismiss the appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a).

Gisela D. Triana, Justice

Before Chief Justice Byrne, Justice Triana, and Justice Kelly

Dismissed for Want of Jurisdiction

Filed: September 23, 2021