



NUMBER 13-22-00181-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

**EKSTROM AQUACULTURE, LLC AND
JAMES P. EKSTROM,**

Appellants,

v.

UNITED FIRE LLOYDS,

Appellee.

**On appeal from the 267th District Court
of Jackson County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Contreras and Justices Longoria and Tijerina
Memorandum Opinion by Chief Justice Contreras**

On April 19, 2022, appellants Ekstrom Aquaculture, LLC and James P. Ekstrom filed a notice of appeal from an order signed on January 20, 2022, granting summary judgment in favor of appellee, United Fire Lloyds. However, on May 5, 2022, the trial court vacated the order subject to appeal.

On May 11, 2022, the Clerk of this Court advised appellants that it appeared there

was no final, appealable judgment. The Clerk directed appellants to correct this defect, if possible, and advised appellants that the appeal would be dismissed if the defect was not cured within ten days. See TEX. R. APP. P. 42.3(a). Appellants did not respond to the Clerk's notice or otherwise correct the defect. See *id.* R. 42.3(b), (c).

An appellate court has “an obligation to examine [its] jurisdiction any time it is in doubt” *Pike v. Tex. EMC Mgmt., LLC*, 610 S.W.3d 763, 774 (Tex. 2020). As a general rule, appeals may be taken only from final judgments. *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). “Exceptions to this general rule are provided by statutes that specifically authorize interlocutory appeals of particular orders.” *City of Watauga v. Gordon*, 434 S.W.3d 586, 588 (Tex. 2014); see, e.g., TEX. CIV. PRAC. & REM. CODE ANN. § 51.014 (listing several interlocutory orders that may be appealed).

The Court, having examined and fully considered the documents on file and the applicable law, is of the opinion that we lack jurisdiction over this appeal. The trial court has set aside the order at issue in this appeal, and there is no final judgment. See *City of Watauga*, 434 S.W.3d at 588; *Lehmann*, 39 S.W.3d at 195; see also *Elec. Reliability Council of Tex., Inc. v. Panda Power Generation Infrastructure Fund, LLC*, 619 S.W.3d 628, 634–35 (Tex. 2021) (discussing the mootness doctrine). Accordingly, we dismiss this appeal for lack of jurisdiction. See TEX. R. APP. P. 42.3(a).

DORI CONTRERAS
Chief Justice

Delivered and filed on the
7th day of July, 2022.