

DISMISS; and Opinion Filed June 23, 2014.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-14-00509-CV

**BESSIE L. REDDICK, Appellant
V.
CNMK TEXAS PROPERTIES, Appellee**

**On Appeal from the 14th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-13-02402**

MEMORANDUM OPINION

Before Justices Lang, Myers, and Brown
Opinion by Justice Brown

By letter dated May 28, 2014, the Court questioned its jurisdiction over this appeal. Specifically, the Court questioned whether the trial court rendered a final judgment disposing of all the claims and all the parties in the case. Because the record before the Court does not establish the existence of a final judgment disposing of all the claims and parties in the case, we **DISMISS** the appeal.

This is a slip and fall case. Plaintiff filed suit against CNMK Properties, LLC alleging a claim for negligence. The clerk's record reflects that plaintiff and CNMK reached settlement, plaintiff attempted to withdraw her consent to the settlement agreement and CNMK moved to enforce the settlement agreement. While CNMK's motion to enforce the settlement agreement was pending, plaintiff's counsel moved to withdraw on the ground that the plaintiff had terminated his services. The trial court granted the motion of plaintiff's counsel to withdraw.

The law firm then intervened in the suit seeking an award of judgment in the amount of the contingency fees plaintiff had agreed to pay her counsel.

On March 31, 2014, the trial court granted CNMK's motion to enforce the settlement agreement. The trial court ordered CNMK to deposit \$6,000 in the trial court's registry and further ordered that at the time this deposit was made to the trial court's registry CNMK would be "fully and completely discharged of their obligations to [the trial court] in connection with this lawsuit" and that "the Court will determine the disbursement of the settlement funds; the Court will enter a separate order reflecting this disbursement." The record before the Court does not reflect any further orders regarding the disposition of the funds in the trial court's registry and does not include any orders regarding the affirmative claims asserted by intervenor, Ben Abbott, P.C., against appellant.

Generally, this Court has jurisdiction only over appeals from final judgments. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). A final judgment is one that disposes of all pending parties and claims. *Id.* In her jurisdictional brief to the Court, appellant agrees that the "judgment appealed from cannot stand as a final judgment." Appellant argues, however, that the Court nonetheless has jurisdiction because "the Trial Court dismissed all the parties except for Appellant." Appellant also appears to argue that the trial court has severed all of the parties from the case other than appellant. The record before the Court does not confirm either that the trial court has dismissed all the parties from the case or that the trial court has severed any of the claims in the case.¹ Indeed, on the record before the Court, the only suggestion of any sort of finality with regard to any party in the case is the trial court's order that upon deposit of the settlement funds in the trial court's registry, CNMK would be "fully and

¹ In its letter requesting the parties to file jurisdictional briefing, the Court specifically advised appellant that if she wished to rely on matters not in the record before the Court, she must obtain a supplemental clerk's record from the trial court. She has not done so.

completely discharged of their obligations to [the trial court] in connection with this lawsuit.”²
Because the record before the Court fails to reflect the existence of a final, appealable order rendered by the trial court, the Court must conclude it lacks jurisdiction. Accordingly, we **DISMISS** the appeal.

/Ada Brown/
ADA BROWN
JUSTICE

140509F.P05

² The Court does not address at this time whether this language is sufficient to constitute a final judgment as between appellant and CNMK.



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

BESSIE L. REDDICK, Appellant

No. 05-14-00509-CV V.

CNMK TEXAS PROPERTIES, Appellee

On Appeal from the 14th Judicial District
Court, Dallas County, Texas

Trial Court Cause No. DC-13-02402.

Opinion delivered by Justice Brown.

Justices Lang and Myers participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED** for want of jurisdiction.

It is **ORDERED** that appellee CNMK TEXAS PROPERTIES recover its costs of this appeal from appellant BESSIE L. REDDICK.

Judgment entered this 23rd day of June, 2014.

/Ada Brown/

ADA BROWN

JUSTICE