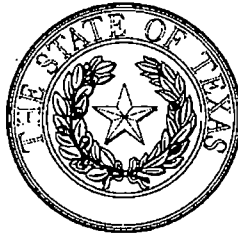


Opinion issued March 5, 2024



In The
Court of Appeals
For The
First District of Texas

NO. 01-23-00868-CV

RAMESH KAPUR, Appellant

V.

WOODFOREST ASSOCIATION, Appellee

FILED
Marilyn Burgess
District Clerk

MAR 5 2024

03-05-24

Time: _____
Harris County, Texas

By _____
Deputy

On Appeal from the 151st District Court
Harris County, Texas
Trial Court Case No. 2022-39990

MEMORANDUM OPINION

Appellant, Ramesh Kapur, filed a notice of appeal from the trial court's November 13, 2023 "Interlocutory Order Granting [the] Traditional and No Evidence Motion for Summary Judgment" filed by appellee, Woodforest Association ("Woodforest").

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging.

We dismiss the appeal for lack of jurisdiction.

This Court generally has jurisdiction only over appeals from final judgments and specific interlocutory orders that the Texas Legislature has designated as appealable orders. *See CMH Homes v. Perez*, 340 S.W.3d 444, 447–48 (Tex. 2011); *see also* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014. The trial court’s November 13, 2023 order expressly stated that it was an interlocutory order and that it “only” dismissed the claims asserted by plaintiff, Nicia Victorino, as assignee of William Caledare, against Woodforest. Any “[o]ther claims involving other parties remain[ed] pending in th[e] [underlying] lawsuit.”

An interlocutory order granting a motion for summary judgment of some, but not all claims and parties in a lawsuit, has not been specifically designated as an appealable interlocutory order. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014; *see also Gaitan v. Ventura*, No. 01-22-00598-CV, 2022 WL 16556820, at *1–2 (Tex. App.—Houston [1st Dist.] Nov. 1, 2022, no pet.) (dismissing appeal of partial summary judgment order where “order [did] not claim to be anything other than a partial-summary-judgment order resolving only” some claims against some parties). Accordingly, we can exercise jurisdiction over this appeal only if the trial court’s November 13, 2023 order is a final judgment. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 192–93 (Tex. 2001). A judgment is final for purposes of appeal if it either (1) actually disposes of all claims and parties then before the court, regardless

of its language, or (2) states with “unmistakable clarity” that it is intended as a final judgment as to all claims and all parties. *See Farm Bureau Cnty. Mut. Ins. Co. v. Rogers*, 455 S.W.3d 161, 163 (Tex. 2015).

Here, Kapur has appealed from the trial court’s November 13, 2023 order¹ granting Woodforest’s motion for summary judgment as to the claims and causes of action asserted by a single party, Victorino. To this end, based on our review of the trial court’s order, we conclude that the trial court’s order satisfies neither of the requirements established by the Texas Supreme Court.

We note that the original text of the order, which was submitted by Woodforest in connection with its motion for summary judgment, included language stating that the order was “final for the purposes of appeal.” Although this type of language could potentially serve as the type of “finality language” contemplated by the Texas Supreme Court, the trial court struck through the proposed finality language.

In its place, the trial court added language stating that “[o]ther claims involving other parties remain[ed] pending in this lawsuit.” Accordingly, the trial court’s order neither disposes of all claims and all parties, nor states with “unmistakable clarity” that it was intended as a final judgment.

¹ Notably, Kapur was an intervenor in the underlying lawsuit, and the trial court order which Kapur has appealed does not address, or otherwise reference, any claims or causes of action asserted by or against Kapur.

On February 1, 2024, the Court notified Kapur that that we may lack jurisdiction over the appeal and directed Kapur that, unless a response was provided, in writing, demonstrating that this Court had jurisdiction over the appeal, the Court would dismiss the appeal for lack of jurisdiction.² See TEX. R. APP. P. 42.3(a), 43.2(f). On February 15, 2024, Kapur filed a response to the Court's February 1, 2024 order.

In the response, Kapur acknowledged that the November 13, 2023 order was an “[i]nterlocutory [o]rder,” but argued that it was a “final judgment resolv[ing] all issues regarding . . . Woodforest . . . effectively concluding the issues pertaining to [Woodforest] in the district court case.” Kapur further responded that “[a]lthough there may be other parties in the lawsuit, the claims that involved . . . Woodforest . . . [were] resolved and final with th[e] order.” Kapur continued, stating that the “causes of action in the trial court case pertain[ed] to different properties that [were] not connected” and the “resolution of issues with one

² “[C]ourts always have jurisdiction to determine their own jurisdiction.” *Heckman v. Williamson Cnty.*, 369 S.W.3d 137, 146 n.14 (Tex. 2012) (internal quotations omitted); see also *Royal Indep. Sch. Dist. v. Ragsdale*, 273 S.W.3d 759, 763 (Tex. App.—Houston [14th Dist.] 2008, no pet.) (jurisdiction fundamental in nature and cannot be ignored). If this case is an appeal over which we have no jurisdiction, the appeal must be dismissed. See *V.I.P. Royal Palace, LLC v. Hobby Event Ctr. LLC*, No. 01-18-00621-CV, 2020 WL 3579563, at *2 (Tex. App.—Houston [1st Dist.] July 2, 2020, no pet.) (mem. op.); see also *Ragsdale*, 273 S.W.3d at 763.

property completes those claims and the resolution of the other properties and claims would have no effect on the remaining issues, parties and/or claims.”

Kapur’s response fails to establish that the Court has jurisdiction over this appeal. As noted above, this Court’s jurisdiction is limited to appeals from final judgments and specific interlocutory orders that the Legislature has designated as appealable orders. *See CMH Homes*, 340 S.W.3d at 447–48; *see also* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014. While Kapur has argued that the trial court’s November 13, 2023 order “resolved” all issues involving Woodforest, Kapur has failed to provide this Court with any authority—and we are not aware of any such authority—to support the argument that the resolution of the claims and causes of action as to one party, but not others, renders an order “final” for the purposes of appeal. And where, as here, the trial court has expressly stated in its order that “[o]ther claims involving other parties remain[ed] pending in this lawsuit,” we conclude that the trial court’s November 13, 2023 order is not “final” for the purposes of appeal.

Kapur may therefore only appeal the trial court’s interlocutory order if it has been designated by the Legislature as an appealable interlocutory order. Kapur has similarly failed to identify a statute—and we are not aware of such a statute—that would authorize an interlocutory appeal from the trial court’s November 13, 2023 order. Accordingly, we conclude that we lack jurisdiction over the appeal. *See*

V.I.P. Royal Palace, LLC v. Hobby Event Ctr. LLC, No. 01-18-00621-CV, 2020 WL 3579563, at *6 (Tex. App.—Houston [1st Dist.] July 2, 2020, no pet.) (mem. op.).

We therefore dismiss the appeal for lack of jurisdiction. *See* TEX. R. APP. P. 42.3(a), 43.2(f). All pending motions are dismissed as moot.

PER CURIAM

Panel consists of Chief Justice Adams and Justices Guerra and Farris.

Unofficial Copy Office of Marilyn Burgess District Clerk



JUDGMENT

Court of Appeals First District of Texas

NO. 01-23-00868-CV

RAMESH KAPUR, Appellant

V.

WOODFOREST ASSOCIATION, Appellee

Appeal from the 151st District Court of Harris County
(Tr. Ct. No. 2022-39990).

Appellant, Ramesh Kapur, has appealed from the trial court's November 13, 2023 interlocutory order granting summary judgment in favor of appellee, Woodforest Association. After being notified that this appeal was subject to dismissal, appellant did not adequately respond. Accordingly, the Court **dismisses** the appeal for lack of jurisdiction.

The Court **orders** that the appellant, Ramesh Kapur, pay all appellate costs.

The Court **orders** that this decision be certified below for observance.

Judgment rendered March 5, 2024.

Per curiam opinion delivered by a panel consisting of Chief Justice Adams and Justices Guerra and Farris.

TERRY ADAMS
CHIEF JUSTICE

PETER KELLY
GORDON GOODMAN
SARAH BETH LANDAU
RICHARD HIGHTOWER
JULIE COUNTISS
VERONICA RIVAS-MOLLOY
AMPARO MONIQUE GUERRA
APRIL L. FARRIS
JUSTICES



**Court of Appeals
First District
301 Fannin Street
Houston, Texas 77002-2066**

DEBORAH M. YOUNG
CLERK OF THE COURT

ANNE MARIE GREENWOOD
CHIEF STAFF ATTORNEY

PHONE: 713-274-2700

www.txcourts.gov/1stcoa.aspx

Tuesday, March 5, 2024

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**RE: Court of Appeals Number: 01-23-00868-CV
Trial Court Case Number: 2022-39990**

Style: Ramesh Kapur v. Woodforest Association, Nicia Vitorino Assignee of William Callendare and Post Oak Crossing Counsel of Co-Owners

Today, the First Court of Appeals issued an opinion(s) in the above-referenced cause.

Texas Appellate Rule 49 dealing with rehearings and en banc consideration has been revised effective October 1, 2021. A complete copy of the revised rules can be located at [TJB | 1st COA | News | TRAP 49 Deadlines Revised effective October 1, 2021 \(txcourts.gov\)](http://www.txcourts.gov).

A copy of the opinion(s) can be obtained through Case Search on our Court's webpage at: <http://www.txcourts.gov/1stcoa>.

Sincerely,

A handwritten signature in black ink that reads "Deborah M. Young". The signature is written in a cursive, slightly slanted style.

Deborah M. Young, Clerk of the Court

cc: The Honorable Harris County District Clerk's Office - Civil (DELIVERED VIA E-MAIL)
Judge 151st District Court (DELIVERED VIA E-MAIL)
Hon. Presiding Judge, Eleventh Administrative Judicial Region (DELIVERED VIA E-MAIL)

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