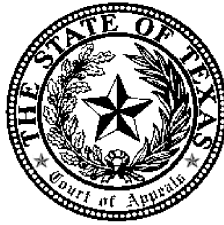


Dismissed and Opinion filed October 4, 2001.



In The

Fourteenth Court of Appeals

NO. 14-01-00733-CV

**KERRVILLE BUS COMPANY, COACH USA, INC. and
CHARLES G. COLLINS, Appellants**

V.

LEROY BUTLER and IVAN J. MENARD, Appellees

**On Appeal from the 23rd District Court
Brazoria County, Texas
Trial Court Cause No. 15361*BH01**

MEMORANDUM OPINION

This is an attempted appeal from an order signed July 24, 2001 denying appellants' motion to transfer venue. Appellants assert that the order determined the propriety of joinder and intervention, and an accelerated interlocutory appeal is permitted by statute. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 15.003(c) (Vernon Supp. 2001) (requiring the court of appeals to render its decision within 120 days of perfection of the appeal).

Appellees filed a joint motion to dismiss the appeal, asserting *inter alia*, that the intervenor has independently established proper venue as required by Section 15.003(b).

Appellees argue that this court lacks jurisdiction to consider an interlocutory appeal in this case. *See American Home Products Corp. v. Clark*, 38 S.W.3d 92, 96 (Tex. 2000) (holding that an interlocutory appeal under section 15.003 is unavailable if the trial court has decided venue is proper under section 15.002).

The trial court's original order did not specify on what ground the court denied appellants' motion to transfer venue. Accordingly, we ordered the appeal abated, and remanded the case to the trial court for entry of a revised order specifying the basis for its ruling. *See American Home Products Corp.*, 38 S.W.3d at 94-97. On September 24, 2001, a supplemental clerk's record was filed with the clerk of this court containing an amended order denying appellants' motion to transfer venue signed September 19, 2001. The abatement was lifted and the appeal was reinstated upon the filing of the supplemental clerk's record. The amended order states:

The Court further finds that Plaintiff, Leroy Butler, and Intervening Plaintiff, Ivan J. Menard, have each independently established proper venue in Brazoria County under § 15.002, Texas Civil Practice and Remedies Code.

Therefore, this court has no jurisdiction to consider an interlocutory appeal of the trial court's order. *See American Home Products Corp.*, 38 S.W.3d at 96. Appellees' motion to dismiss is granted. *See* TEX. R. APP. P. 42.3(a). Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed October 4, 2001.

Panel consists of Chief Justice Brister, Justices Fowler and Seymore.

Do Not Publish — TEX. R. APP. P. 47.3(b).