

Dismissed and Opinion filed November 16, 2000.



In The

Fourteenth Court of Appeals

NO. 14-00-00497-CV

**ROGER BEATHARD, INDIVIDUALLY AND D/B/A BEATHARD JOINT VENTURE,
Appellant**

V.

THE WEST HOUSTON AIRPORT CORPORATION, Appellee

**On Appeal from the 61st District Court
Harris County, Texas
Trial Court Cause No. 00-03548**

O P I N I O N

Appellant, Beathard, doing business as Beathard Joint Venture (BJV), appeals an order, signed April 5, 2000, granting a permanent injunction against BJV and granting appellant West Houston Airport's partial motion for summary judgment. We reviewed the record and find that the trial court's order does not dispose of all claims as to all parties and is thus interlocutory.

To be final and appealable, an order granting a motion for summary judgment must dispose of all claims as to all parties before the court. *See Mafrige v. Ross*, 866 S.W.2d 590, 591 (Tex. 1993).

When an order fails to dispose of all claims as to all parties, it is interlocutory and unappealable absent a severance. *See id.*

The trial court's order granting partial summary judgment fails to address appellee's remaining claims for quantum meruit and for attorney's fees, and does not address appellant's counterclaims. The order, however, also grants a permanent injunction which is appealable unless issues or parties remain undisposed. *See James v. Hubbard*, 985 S.W.2d 516, 517 (Tex. App.—San Antonio 1998, no pet.). Here, issues remain to be decided, so the permanent injunction is not separately appealable.

At oral argument, we gave appellants thirty days to obtain a severance order in the trial court and file it with this court. After thirty days, no such order has been filed in this court. As a result, we have no jurisdiction to hear an appeal from the partial summary judgment and permanent injunction. Accordingly, we dismiss this case for lack of jurisdiction.

/s/ Wanda McKee Fowler
Justice

Judgment rendered and Opinion filed November 16, 2000.

Panel consists of Justices Anderson, Fowler, and Edelman.

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