

Motion Denied and Order filed June 3, 2020



In The

Fourteenth Court of Appeals

NO. 14-20-00382-CV

BRYANT AND NEVA BANES, Appellants

V.

CITY OF HOUSTON, Appellee

**On Appeal from the 333rd District Court
Harris County, Texas
Trial Court Cause No. 2020-23297**

ORDER

This is an attempted interlocutory appeal from the trial court's order signed May 27, 2020, denying appellants' request that it conduct a hearing on their application for a temporary injunction on or before May 29, 2020. Appellants filed their notice of appeal on May 28, 2020. On June 2, 2020, appellants filed an emergency motion requesting entry of temporary orders. In the motion, appellants ask this court to issue an order staying (1) the construction project at issue in the underlying lawsuit, and (2) payment by the City to its contractor with regard to that

project.

Generally, appeals may be taken only from final judgments. *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). When orders do not dispose of all pending parties and claims, the orders remain interlocutory and unappealable until final judgment is rendered unless a statutory exception applies. *Bally Total Fitness Corp. v. Jackson*, 53 S.W.3d 352, 352 (Tex. 2001); *Jack B. Anglin Co., Inc. v. Tipps*, 842 S.W.2d 266, 272 (Tex. 1992) (orig. proceeding).

Section 51.014(a)(4) of the Civil Practice and Remedies Code authorizes an interlocutory appeal from an order that grants or refuses a temporary injunction. Tex. Civ. Prac. & Rem. Code § 51.014(a). The trial court has not signed an order granting or refusing a temporary injunction. In the challenged order, the trial court denies appellants' request for a hearing on or before May 29, 2020, on their application for a temporary injunction.

It appears this court lacks jurisdiction over this interlocutory appeal. The appeal will be dismissed unless any party, on or before **June 15, 2020**, demonstrates that this court has jurisdiction.

Appellants' emergency motion is denied without prejudice to refile if and when jurisdiction is established.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Zimmerer and Poissant.