

BRIAN DANIEL AUSTIN, EDNA MARY MALLOUF MALLICK, AND FRED MALLICK, APPELLANTS v. RURAL/METRO OF NORTH TEXAS, L.P. INDIVIDUALLY AND D/B/A RURAL/METRO AMBULANCE AND RURAL/METRO CORPORATION, APPELLEE

NO. 2-06-015-CV

COURT OF APPEALS OF TEXAS, SECOND DISTRICT, FORT WORTH

March 2, 2006, Delivered

SUBSEQUENT HISTORY:

Subsequent appeal at *Austin v. Rural/Metro of N. Tex., L.P.*, 2006 Tex. App. LEXIS 7351 (Tex. App. Fort Worth, Aug. 17, 2006)

PRIOR HISTORY: FROM THE 96TH DISTRICT COURT OF TARRANT COUNTY.

COUNSEL: For APPELLANT: Mark S. Stewart, MARK S. STEWART & ASSOCIATES, P.C., Fort Worth, TX.

For APPELLEE: Timothy D. Howell, CANTEY & HANGER, L.L.P., Fort Worth, TX.

JUDGES: PANEL D: WALKER, J.; CAYCE, C.J.; and MCCOY, J.

OPINION

MEMORANDUM OPINION¹

¹ See *TEX. R. APP. P. 47.4*.

Appellants Brian Daniel Austin, Edna Mary Mallouf Mallick, and Fred Mallick are attempting to appeal the

trial court's order granting summary judgment in favor of appellee Rural/Metro of North Texas, L.P. Because this order is not appealable, we will dismiss the appeal for want of jurisdiction. On January 19, 2006, we notified appellants of our concern that this court lacked jurisdiction over their appeal because the order is a partial summary judgment that does not dispose of all parties in the case and does not appear to be a final, appealable interlocutory order. See *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 192-93, 44 Tex. Sup. Ct. J. 364 (Tex. 2001). Additionally, we informed appellants that the trial court had confirmed that no severance order has been signed severing their case against Rural/Metro of North Texas, L.P. from the remainder of the case pending in the trial court. We also informed appellants that their appeal was subject to dismissal unless they or any party desiring to continue the appeal filed a response with this court showing grounds for continuing the appeal. See *TEX. R. APP. P. 42.3(a)*. We have not received any response.

Because there is no final judgment or appealable interlocutory order, we dismiss this case for want of jurisdiction. See *TEX. R. APP. P. 42.3(a), 43.2(f)*.

PER CURIAM