

DISMISS; and Opinion Filed May 4, 2017.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-17-00194-CV

**OKLAHOMA SPECIALTY INSURANCE COMPANY AND
STRATA CLAIMS MANAGEMENT, LLC, Appellants**

V.

**ST. MARTIN DE PORRES, INC.
D/B/A WELLINGTON PLACE APARTMENTS, Appellee**

**On Appeal from the 116th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-15-12038**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Lang-Miers, and Justice Stoddart
Opinion by Justice Lang-Miers

Seeking to appeal the trial court's amended order granting appellee's motion for partial summary judgment, appellants have filed a petition for permissive interlocutory appeal. On the date of the hearing on appellee's motion for partial summary judgment, the parties filed "Stipulations Regarding Bad Faith Claims, Extra-Contractual Claims, and Damages in the Event that the Court Finds that the Policy in Question Provides Coverage for the Loss in Question." They stipulated as to the amount of damages, attorney's fees, expenses, and statutory interest. In its amended order, the trial court ruled the insurance policy is ambiguous and that it is reasonable to interpret the policy as providing flood coverage for property located in Flood Zone X-500. After making its rulings, the trial court states in the order: "Depending on whether the Court's rulings as stated herein are upheld on appeal, the Court will either enter judgment pursuant to the

parties' stipulations or dismiss the entire action." Given the posture of this case following the trial court's rulings and the parties' stipulations, we conclude a permissive appeal will not materially advance the ultimate termination of the litigation by considerably shortening the time, effort, and expense involved in obtaining a final judgment. See TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(d) (West Supp. 2016); *ADT Sec. Servs., Inc. v. Van Peterson Fine Jewelers*, 05-15-00646-CV, 2015 WL 4554519, at *2 (Tex. App.—Dallas July 29, 2015, no pet.) (mem. op.) (quoting *Gulf Coast Asphalt Co. v. Lloyd*, 457 S.W.3d 539, 543-44 (Tex. App.—Houston [14th Dist.] 2015, no pet.)). Accordingly, we deny the petition for permissive interlocutory appeal and dismiss the appeal for want of jurisdiction. See TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(d); TEX. R. APP. P. 42.3(a).

/Elizabeth Lang-Miers/

ELIZABETH LANG-MIERS
JUSTICE

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

OKLAHOMA SPECIALTY INSURANCE
COMPANY AND STRATA CLAIMS
MANAGEMENT, LLC, Appellants

No. 05-17-00194-CV V.

ST. MARTIN DE PORRES, INC. D/B/A
WELLINGTON PLACE APARTMENTS,
Appellee

On Appeal from the 116th Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DC-15-12038.
Opinion delivered by Justice Lang-Miers.
Chief Justice Wright and Justice Stoddart
participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellee ST. MARTIN DE PORRES, INC. D/B/A WELLINGTON PLACE APARTMENTS recover its costs of this appeal from appellants OKLAHOMA SPECIALTY INSURANCE COMPANY AND STRATA CLAIMS MANAGEMENT, LLC.

Judgment entered this 4th day of May, 2017.