



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

No. 05-17-01332-CV

**JACK CRAIG EFFEL, Appellant
V.
ROBERT G. ROSBERG, Appellee**

**On Appeal from the County Court at Law No. 5
Dallas County, Texas
Trial Court Cause No. CC-17-02662-E**

MEMORANDUM OPINION

Before Justices Bridges, Evans, and Whitehill
Opinion by Justice Whitehill

We **REINSTATE** this appeal.

In his notice of appeal, appellant states that he is appealing the trial court's order "denying on the record his Special Appearance." The Court questioned its jurisdiction over this appeal because the clerk's record did not contain a signed order denying the special appearance. We instructed appellant to file a letter brief addressing our jurisdictional concern.

In his letter brief, appellant asked the Court for a "short abatement" to allow the trial court to sign an order on his special appearance. The Court complied and, by order dated January 23, 2018, abated the appeal for twenty days. As of today's date, a supplemental clerk's record with a signed order has not been filed.

An oral rendition is not sufficient. The appellate timetable runs from the date an appealable written judgment or order is signed. *See* TEX. R. APP. P. 26.1; *Farmer v. Ben E. Keith Co.*, 907 S.W.2d 495, 496 (Tex. 1995).

Because an appeal can only be taken from a written final judgment or appealable order, and the record before us does not show an order denying appellant's special appearance has been signed, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Bill Whitehill/
BILL WHITEHILL
JUSTICE

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

JUDGMENT

JACK CRAIG EFFEL, Appellant

No. 05-17-01332-CV V.

ROBERT G. ROSBERG, Appellee

On Appeal from the County Court at Law

No. 5, Dallas County, Texas

Trial Court Cause No. CC-17-02662-E.

Opinion delivered by Justice Whitehill.

Justices Bridges and Evans participating.

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

It is **ORDERED** that appellee ROBERT G. ROSBERG recover his costs of this appeal from appellant JACK CRAIG EFFEL.

Judgment entered March 6, 2018.