

Dismissed; Opinion Filed February 21, 2020



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-01215-CV

HERI AUTOMOTIVE, INC., Appellant

V.

**DICK B. ADAMS, INDIVIDUALLY AND DERIVATIVELY ON BEHALF OF HERI
AUTOMOTIVE, INC., AND THURSTON ADAMS, INDIVIDUALLY AND
DERIVATIVELY ON BEHALF OF HERI AUTOMOTIVE, INC., Appellees**

**On Appeal from the 193rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-18-16346**

MEMORANDUM OPINION

Before Justices Myers, Whitehill, and Pedersen, III
Opinion by Justice Myers

This appeal challenges the trial court's order dismissing appellant's counterclaims against appellees for forum non conveniens. Because appellees' claims against appellant, as well as other parties not subject to this appeal, remained pending, we questioned our jurisdiction over the appeal. *See Jack B. Anglin Co., Inc. v. Tipps*, 842 S.W.2d 266, 272 (Tex. 1992) (orders that do not dispose of all legal issues between parties may be appealed only if permitted by statute); *Martinez v. Bell Helicopter Textron, Inc.*, 49 S.W.3d 890, 891 (Tex. App.—Fort Worth 2001, pet. denied) (per curiam) (no statute authorizes appeal from interlocutory order dismissing for forum non conveniens).

At our direction, the parties filed letter briefs addressing our concern. Appellant cites to no statute in its letter brief authorizing the appeal, but relies instead on *Vinson v. American Bureau of Shipping*, 318 S.W.3d 34 (Tex. App.—Houston [1st Dist.] 2010, pet. denied), which noted that “[t]he appealability of forum non conveniens dismissal orders is so well established, and so much in conformity with the ordinary rule that dismissal of an entire action is final, that most appeals are decided without commenting on jurisdiction.” 318 S.W.3d at 41 (citation omitted). As appellees recognize in their responsive letter brief, however, *Vinson* addressed a final forum non conveniens dismissal order, one that disposed of the entire case, not an interlocutory order that left parties and claims pending like the one at hand.

Because no authority exists authorizing the appeal of the challenged interlocutory order, we dismiss the appeal.¹ See TEX. R. APP. P. 42.3(a).

/Lana Myers/

LANA MYERS
JUSTICE

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¹ To the extent appellant asks that we grant mandamus relief if we determine the appeal is not permitted, appellant cites no authority, and we have found none, that authorizes mandamus review of an interlocutory order granting a motion to dismiss for forum non conveniens. Accordingly, we take no action on the request.



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

HERI AUTOMOTIVE, INC., Appellant

No. 05-19-01215-CV V.

DICK B. ADAMS, INDIVIDUALLY AND
DERIVATIVELY ON BEHALF OF HERI
AUTOMOTIVE, INC., AND THURSTON
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AUTOMOTIVE, INC., Appellees

On Appeal from the 193rd Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DC-18-16346.
Opinion delivered by Justice Myers,
Justices Whitehill and Pedersen, III
participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

We **ORDER** that appellees Dick B. Adams, Individually and Derivatively on behalf of Heri Automotive, Inc., and Thurston Adams, Individually and Derivatively on behalf of Heri Automotive, Inc., recover their costs, if any, of this appeal from appellant Heri Automotive, Inc.

Judgment entered this 21st day of February, 2020.