

Dismissed and Opinion Filed April 14, 2021



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

No. 05-21-00107-CV

**TECHDEV HOLDINGS, LLC AND THE SPANGENBERG FAMILY
FOUNDATION FOR THE BENEFIT OF CHILDREN'S HEALTHCARE
AND EDUCATION, Appellants**

V.

**CF DYNAMIC ADVANCES LLC AND DBD CREDIT FUNDING, LLC,
Appellees**

**On Appeal from the 162nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-19-09397**

MEMORANDUM OPINION

Before Justices Schenck, Reichek, and Carlyle
Opinion by Justice Carlyle

This appeal challenges the trial court's January 19, 2021 summary judgment. Appellees assert, in an unopposed March 16, 2021 motion to dismiss appeal, and the clerk's record reflects that the challenged judgment is not final because it does not dispose of appellees' claim for attorney's fees, expenses, and costs. Appellees indicate in the certificate of conference that counsel for the appellants "stated that

Appellees¹ [sic?] stipulate to the dismissal of the appeal for lack of jurisdiction in view of [appellants'] Motion filed in the trial court.” Appellants have not filed an opposition to appellees’ motion to dismiss in this Court, *see* TEX. R. APP. P. 10.3 (“A court should not hear or determine a motion until 10 days after the motion was filed . . .”), and the parties have continued to litigate the fees, expenses, and costs issues in the trial court.

Because an appeal may generally only be taken from a final judgment that disposes of all parties and claims, and a final judgment has not been entered in this case as of the filing of appellees’ motion, we grant the motion and dismiss the appeal. *See id.* 42.3(a); *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001).

/Cory L. Carlyle/
CORY L. CARLYLE
JUSTICE

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¹ This is likely a typographical error, but in any event, we rely on appellants’ failure to correct appellees’ factual assertions that the judgment does not dispose of all parties and claims. *See* TEX. R. APP. P. 38.1(g).



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

JUDGMENT

TECHDEV HOLDINGS, LLC AND
THE SPANGENBERG FAMILY
FOUNDATION FOR THE BENEFIT
OF CHILDREN'S HEALTHCARE
AND EDUCATION, Appellants

On Appeal from the 162nd Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DC-19-09397.
Opinion delivered by Justice Carlyle,
Justices Schenck and Reichek
participating.

No. 05-21-00107-CV V.

CF DYNAMIC ADVANCES LLC
AND DBD CREDIT FUNDING,
LLC, Appellees

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

We **ORDER** that appellees CF Dynamic Advances LLC and DBD Credit Funding, LLC recover their costs of this appeal from appellants TechDev Holdings, LLC and The Spangenberg Family Foundation for the Benefit of Children's Healthcare and Education.

Judgment entered this 14th day of April, 2021.