

**DISMISS and Opinion Filed June 10, 2021**



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

---

**No. 05-21-00031-CV**

---

**DRISTI SHRESTHA, Appellant  
V.  
ENYA HERNANDEZ GONZALEZ, Appellee**

---

---

**On Appeal from the County Court at Law No. 5  
Dallas County, Texas  
Trial Court Cause No. CC-19-02805-E**

---

---

**MEMORANDUM OPINION**

Before Chief Justice Burns, Justice Molberg, and Justice Smith  
Opinion by Chief Justice Burns

This is an appeal from the trial court’s order granting appellee’s motion for summary judgment and bill of review. The order vacates an earlier judgment in favor of appellant, specifically states the merits of the underlying claims remain pending, and directs the parties to “cooperate in securing a trial date from the Court with respect to [the] underlying claims.”

Because a bill of review order which sets aside a prior judgment but does not dispose of issues in the underlying case is an unappealable interlocutory order, we questioned our jurisdiction over the appeal. *See Kiefer v. Touris*, 197 S.W.3d 300, 302 (Tex. 2006) (per curiam). In jurisdictional briefing filed at our request, the

parties do not dispute the order is not appealable.<sup>1</sup> Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(a); *Keifer*, 197 S.W.3d at 302.

/Robert D. Burns, III/  
\_\_\_\_\_  
ROBERT D. BURNS, III  
CHIEF JUSTICE

210031F.P05

---

<sup>1</sup> The parties note in their briefing that the trial court amended the order to permit an appeal as provided by Texas Civil Practice and Remedies Code 51.014(d), and appellant expressed an intent to file a petition for permissive appeal as required by the rules of appellate procedure when a trial court has permitted an appeal from an otherwise unappealable interlocutory order. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(d); *see also* TEX. R. CIV. P. 168; TEX. R. APP. P. 28.3(a). On appellant's motion, we extended the time to file a petition for permissive appeal. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(f); TEX. R. APP. P. 28.3(d). The extension, however, was improvidently granted.



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

**JUDGMENT**

DRISTI SHRESTHA, Appellant

No. 05-21-00031-CV      V.

ENYA HERNANDEZ GONZALEZ,  
Appellee

On Appeal from the County Court at  
Law No. 5, Dallas County, Texas  
Trial Court Cause No. CC-19-02805-  
E.

Opinion delivered by Chief Justice  
Burns, Justices Molberg and Smith  
participating.

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

We **ORDER** that appellee Enya Hernandez Gonzalez recover her costs, if any, of this appeal from appellant Dristi Shrestha.

Judgment entered June 10, 2021.