

DISMISS and Opinion Filed July 6, 2021



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

No. 05-21-00309-CV

**BROOKS BRAZDA, Appellant
V.
SURETEC INSURANCE COMPANY, Appellee**

**On Appeal from the Probate Court No 3
Harris County, Texas
Trial Court Cause No. 413348-402**

MEMORANDUM OPINION

Before Justices Molberg, Goldstein, and Smith
Opinion by Justice Goldstein

We questioned our jurisdiction over this appeal from the trial court's summary judgment as the judgment did not appear to be final or appealable. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (subject to mostly statutory exceptions, appeal may only be taken from final judgment that disposes of all parties and claims). As reflected in the clerk's record, appellant Brooks Brazda filed the underlying suit against Keith Morris, a non-party to the appeal, and appellee SureTec Insurance Company. While the case was pending, Morris filed for bankruptcy and obtained a discharge of his debts. The summary judgment on appeal was signed subsequently and ordered Brazda take nothing on his claims against SureTec.

Although the trial court did not dispose of Brazda's claims against Morris, Brazda appealed.

In jurisdictional briefing filed at our request, Brazda asserts the summary judgment is final and appealable because SureTec was the only remaining party with potential liability once Morris's debts were discharged. However, while a discharge in bankruptcy releases a debtor from personal liability with respect to a discharged debt, *see Tenn. Student Assistance Corp. v. Hood*, 541 U.S. 440, 447 (2004), it does not result in an automatic dismissal of the debtor from a state suit on the debt.

In the absence of express language indicating the trial court intended to render a final judgment disposing of all claims and parties, a summary judgment order that adjudicates only some, but not all, claims is not final. *Lehmann*, 39 S.W.3d at 192-93. The trial court here did not adjudicate Brazda's claims against Morris, and the appealed summary judgment does not state it is final or appealable. Accordingly, on the record before us, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Bonnie Lee Goldstein/

BONNIE LEE GOLDSTEIN
JUSTICE

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

JUDGMENT

BROOKS BRAZDA, Appellant

No. 05-21-00309-CV V.

SURETEC INSURANCE
COMPANY, Appellee

On Appeal from the Probate Court
No 3, Harris County, Texas
Trial Court Cause No. 413348-402.
Opinion delivered by Justice
Goldstein, Justices Molberg and
Smith participating.

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

We **ORDER** that appellee SureTec Insurance Company recover its costs, if any, of this appeal from appellant Brooks Brazda.

Judgment entered July 6, 2021