

**DISMISS and Opinion Filed July 29, 2021**



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

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**No. 05-21-00164-CV**

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**CHARLES “CHUCK” ZUBARIK, Appellant**

**V.**

**FRANCISCO GONZALEZ, MARIANNE GONZALEZ,  
THE FIRST AMENDED PHILLIPS FAMILY TRUST,  
RONI HENDERSON, ERIC SORENSEN, JAMIE SORENSEN,  
DAVID SMELSER, AND LINDSAY SMELSER, Appellees**

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**On Appeal from the 68th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-19-18220**

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**MEMORANDUM OPINION**

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

Appellant appeals from the trial court’s March 15, 2021 order vacating its severance order signed on December 4, 2020. We questioned our jurisdiction over this appeal because the order vacating a severance order is neither a final judgment nor an appealable interlocutory order. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001); TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a). At our request, the parties filed letter briefs addressing the jurisdictional issue.

In his letter brief, appellant, rather than addressing the question posed – whether the order vacating the severance order is final or otherwise appealable – addresses the merits as to why the trial court erred in signing that order. Nothing in appellant’s letter brief demonstrates that we have jurisdiction to review an order vacating a severance order.

The order vacating the severance order is neither a final judgment nor an appealable interlocutory order. For this reason, we lack jurisdiction and dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

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

210164F.P05



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

**JUDGMENT**

CHARLES “CHUCK” ZUBARIK,  
Appellant

No. 05-21-00164-CV      V.

FRANCISCO GONZALEZ,  
MARIANNE GONZALEZ, THE  
FIRST AMENDED PHILLIPS  
FAMILY TRUST, RONI  
HENDERSON, ERIC SORENSEN,  
JAMIE SORENSEN, DAVID  
SMELSER, AND LINDSAY  
SMELSER, Appellees

On Appeal from the 68th Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. DC-19-18220.  
Opinion delivered by Chief Justice  
Burns. Justices Molberg and  
Goldstein participating.

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

It is **ORDERED** that appellees FRANCISCO GONZALEZ, MARIANNE GONZALEZ, THE FIRST AMENDED PHILLIPS FAMILY TRUST, RONI HENDERSON, ERIC SORENSEN, JAMIE SORENSEN, DAVID SMELSER, AND LINDSAY SMELSER recover their costs of this appeal from appellant CHARLES “CHUCK” ZUBARIK.

Judgment entered July 29, 2021.