

Dismissed and Opinion filed October 14, 1999.



In The

Fourteenth Court of Appeals

NO. 14-99-00580-CV

PATRICK OLAJIDE AKINWAMIDE, Appellant

V.

TRANSPORTATION INSURANCE COMPANY, Appellee

On Appeal from the 80th District Court
Harris County, Texas
Trial Court Cause No. 97-48526

OPINION

This is an attempted appeal from an order signed April 26, 1998, denying appellant's motion to try his case under the common law, and the purported denial of appellant's motion requesting the court to order the Texas Workers' Compensation Commission to release the contents of its investigative file.

Generally, appeals may be taken only from final orders or judgments. *See Jack B. Anglin Co., Inc. v. Tipps*, 842 S.W.2d 266, 272 (Tex. 1992). "A final judgment is one which disposes of all legal issues between all parties." *Id.* An interlocutory order, however, "leaves something further to be determined and adjudicated in disposing of the parties and their rights" *Taliaferro v. Texas Commerce*

Bank, 660 S.W.2d 151, 152 (Tex. App.–Fort Worth 1983, no writ). Appellate courts have jurisdiction to consider immediate appeals of interlocutory orders only if a statute explicitly provides appellate jurisdiction. *See Stary v. DeBord*, 967 S.W.2d 352, 352-53 (Tex.1998).

There is no statute providing for the interlocutory appeal of the types of orders about which appellant complains. Accordingly, this court is without jurisdiction to consider the appeal.

In its brief, appellee asked this Court to assess damages against appellant for filing a frivolous appeal. *See* TEX. R. APP. P. 45. Before this Court may assess damages against an appealing party under this rule, we must find that (1) the appeal was taken for delay and (2) there was no sufficient cause for appeal. *See James v. Hudgins*, 876 S.W.2d 418, 424 (Tex. App.–El Paso 1994, writ denied) (op. on reh'g) (interpreting former Rule 84). In making such findings, this Court must review the record from the standpoint of the advocate to determine whether he had reasonable grounds to believe the judgment should be reversed. *Id.* Whether to grant sanctions is a matter of discretion, which we exercise with prudence, caution, and after careful deliberation. *See Casteel-Diebolt v. Diebolt*, 912 S.W.2d 302, 306 (Tex. App.–Houston [14th Dist.] 1995, no writ). Damages will be imposed only if the record clearly shows appellant has no reasonable expectation of reversal, and he has not pursued the appeal in good faith. *See Finch v. Finch*, 825 S.W.2d 218, 226 (Tex. App.–Houston [1st Dist.] 1992, no writ).

On September 22, 1999, notification was transmitted to all parties of the Court's intent to dismiss the appeal for want of jurisdiction and that the Court would consider appellee's request for the imposition of damages. *See* TEX. R. APP. P. 42.3(a), 45. Appellant's response fails to demonstrate that this Court has jurisdiction to entertain the appeal.

Accordingly, the appeal is ordered dismissed. Although there are clearly no grounds for appeal at this time, we do not find that appellant brought the appeal in bad faith and for delay. Therefore, we decline to assess damages for a frivolous appeal.

PER CURIAM

Judgment rendered and Opinion filed October 14, 1999.

Panel consists of Chief Justice Murphy, Justices Anderson and Hudson.

Do Not Publish — TEX. R. APP. P. 47.3(b).

