

IN THE SUPREME COURT OF TEXAS

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No. 05-0645
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ALLSTATE INSURANCE COMPANY, ALLSTATE INDEMNITY COMPANY,
AND ALLSTATE PROPERTY & CASUALTY INSURANCE COMPANY,
PETITIONERS,

v.

CEVIA FLEMING, INDIVIDUALLY AND ON BEHALF OF
ALL OTHER PERSONS SIMILARLY SITUATED,
RESPONDENT

=====
ON PETITION FOR REVIEW FROM THE
COURT OF APPEALS FOR THE THIRD DISTRICT OF TEXAS
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Argued October 17, 2006

PER CURIAM

In *Mid-Century Insurance Co. v. Ademaj*, ___ S.W.3d ___ (Tex. 2007), we determined that Mid-Century Insurance Co. and others had properly charged insureds a Texas Automobile Theft Prevention Authority fee. Cevia Fleming and others raised the same issue in a suit against Allstate Insurance Company and several of its affiliates (Allstate, collectively). The trial court issued a partial summary judgment for Fleming, Allstate properly filed an interlocutory appeal under section 51.014(d) of the Texas Civil Practice and Remedies Code, and the court of appeals affirmed. ___ S.W.3d ___ (Tex. App.—Austin 2005) (mem. op.). Fleming argues that we should dismiss

Allstate's petition for review for want of jurisdiction. We need only address this jurisdictional argument.

In this context, the Legislature allows petitions for review from interlocutory appeals only when the court of appeals issued a dissenting opinion or when the court of appeals' decision conflicted with a prior decision of this Court or of another court of appeals. TEX. GOV'T CODE § 22.225(c); *State v. Shumake*, 199 S.W.3d 279, 282 (Tex. 2006). No dissenting opinion was filed in the court of appeals, and after reviewing the parties' briefs and the relevant authorities, we do not find the requisite conflict. Accordingly, the order granting the petition for review is withdrawn as improvidently granted, and the petition for review is dismissed for want of jurisdiction.

OPINION DELIVERED: December 14, 2007