Case Summaries
October 31, 2025

Case summaries are prepared by court staff as a courtesy. They are not a substitute for the actual opinions.

DECIDED CASES

Gonzalez v. Tex. Med. Bd., ___S.W.3d ___, 2025 WL ___ (Tex. Oct. 31, 2025) [24-0340]

This case addresses when declaratory-judgment lawsuits complaining of adverse agency actions are barred by the redundant-remedies doctrine.

Reynaldo Gonzalez, Jr. holds a medical degree and law degree but is only licensed to practice law. In 2020 he ran for the U.S. House of Representatives and referred to himself as "Dr. Gonzalez" and a "physician and attorney." The Texas Medical Board issued a cease-and-desist order prohibiting Gonzalez from using these titles without designating the authority giving rise to his use of that title.

Gonzalez filed suit in the district court alleging that the TMB lacks authority to regulate him, that the statutes in question are facially unconstitutional and unconstitutional as-applied to him, and that the cease-and-desist order is not supported by the evidence. TMB filed a plea to the jurisdiction, arguing that his suit is untimely under the Administrative Procedure Act and that his declaratory-judgment claim is barred by the redundant-remedies doctrine. The trial court granted TMB's plea. The court of appeals reversed in part, holding that his facial constitutional claim is not barred.

The Supreme Court reversed in part and remanded to the trial court. The Court held that the court of appeals should also have remanded Gonzalez's claims that the statute is unconstitutional as-applied to him and that TMB acted without lawful authority. The redundant-remedies doctrine only bars claims if they would be wholly redundant of an APA claim. But the APA would only have enabled Gonzalez to challenge the cease-and-desist order. Gonazlez's as-applied and *ultra vires* claims seek relief from future orders of the TMB, not just the cease-and-desist order.

The Court affirmed dismissal of Gonzalez's claim that the cease-and-desist order is unsupported by substantial evidence. Gonzalez claims that he did not need to follow the APA's thirty-day deadline because a TMB regulation gives him the right to judicial review, and that regulation does not specify a deadline. The Court held that the trial court lacks jurisdiction over that claim because only a statute, and not

a regulation, can create a right to judicial review.

D.V. v. Tex. Dep't of Fam. & Protective Servs., ___ S.W.3d ___, 2025 WL ___ (Tex. Oct. 31, 2025) [24-0840]

At issue in this case is whether the Department of Family and Protective Services orally abandoned its request for termination of D.V.'s parental rights to her child at trial.

In January 2021, the Department removed D.V.'s child from her home and sued to terminate her parental rights after receiving reports of domestic violence. At trial, the Department's designated representative—one of its caseworkers—testified both on direct and cross-examination that the Department no longer sought to terminate D.V.'s parental rights but to limit her status to parent non-conservator with no rights of visitation or contact. The Department took no steps to controvert this assertion, but the trial court terminated D.V.'s rights. The court of appeals affirmed, holding that the Department had not abandoned its pleading, relying on what it regarded as the trial's larger context.

The Supreme Court reversed. It held that in parental-termination cases, which are distinct from other civil litigation for various reasons, an unequivocal assertion by the Department—including its designated representative—constitutes withdrawal of a request for termination. A court may not order termination, therefore, unless the Department clearly repudiates the assertion that termination is no longer sought. In this case, the caseworker's statement was unequivocal. No contextual features at trial that the court of appeals or the Department identified constitute repudiation of that unequivocal statement, so the trial court lacked authority to order termination. The Supreme Court therefore remanded to the trial court with instructions to appoint D.V. a parent non-conservator, consistent with the caseworker's testimony and D.V.'s request.

In re Madison, ___ S.W.3d ___, 2025 WL ___, (Tex. Oct. 31, 2025) (per curiam) [24-1073]

The issue in this case is whether the trial court violated a statutory stay of all trial court proceedings upon the appeal of the denial of a Texas Citizens Participation Act motion to dismiss.

Lynn Madison asserted several claims against Talise De Culebra Home Owners Association, Inc. and the law firm Roberts Markel Weinberg Butler Hailey, PC. The Firm filed a TCPA motion to dismiss, which the trial court denied. The Firm appealed, triggering an automatic stay of all trial court proceedings pending resolution of the appeal. The court of appeals reversed, rendered judgment in favor of the Firm, and remanded.

Before Madison timely sought the Supreme Court's review and before the court of appeals' mandate could issue, the Firm moved for attorney's fees in the trial court. The trial court granted the motion and disposed of all claims against the Firm. While Madison's petition for review remained pending in the Supreme Court, Madison sought mandamus relief directing the trial court to vacate its order.

The Supreme Court conditionally granted mandamus relief and directed the trial court to vacate its order granting attorney's fees and disposing of all claims against the Firm. The Supreme Court held that an interlocutory appeal is not resolved, and the automatic stay accompanying such an appeal does not expire, until the appellate mandate issues. The court of appeals' mandate had not issued, so the trial court's order violated the automatic stay.

RECENTLY GRANTED CASES

In re State Farm Mut. Auto. Ins. Co., ___ S.W.3d ___, 2024 WL 3823022 (Tex. App.—Dallas 2024), *argument granted on pet. for writ of mandamus* (Oct. 24, 2025) [24-0786]

At issue in this underinsured-motorist suit is the propriety of the trial court's discovery-control-plan order and denial of leave to file an amended answer and counter-affidavits.

Ivis Aleman sued State Farm to recover UIM benefits. State Farm and Aleman filed a proposed agreed scheduling order that included pleading-amendment and expert-designation deadlines and an October 2023 trial date. The court set trial for June 2023 and later reset it to January 2024. State Farm filed another proposed scheduling order that pushed its pleading-amendment and expert-designation deadlines. The trial court did not sign either proposed scheduling order.

State Farm filed an amended answer on June 29, 2023, adding an affirmative defense that Aleman was contributorily negligent in causing the crash at issue. Aleman filed a proposed scheduling order declaring that the parties' pleading-amendment and expert-designation deadlines had passed. The trial court signed Aleman's scheduling order and, on Aleman's motion, struck State Farm's amended answer. The court also denied State Farm leave to file an amended answer and counter-affidavits challenging the reasonableness and necessity of Aleman's medical expenses. The court of appeals denied State Farm mandamus relief.

State Farm filed a petition for writ of mandamus in the Supreme Court, arguing that because the trial court had not entered a scheduling order when it filed the amended answer, the default Level 2 discovery deadlines governed and were months away. Thus, the trial court abused its discretion by entering a scheduling order mandating that the deadlines had passed. Aleman argues State Farm was bound by the parties' proposed agreed scheduling order—under which the deadlines had passed—because it was an enforceable Rule 11 agreement.

The Supreme Court granted argument on the petition for writ of mandamus.