

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, HOUSTON DIVISION

Great American Insurance Company v. Victor Chen

Great American v. Chen · No. 4:25-CV-02850 · Decided January 14, 2026

SUMMARY

The United States District Court for the Southern District of Texas adopts the magistrate judge’s Memorandum and Recommendation and overrules Defendant Victor Chen’s objections. The court denies Chen’s motion to dismiss claims brought by Great American Insurance Company for conversion, liability under the Texas Theft Liability Act, unjust enrichment, money had and received, fraud, and breach of fiduciary duty.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Houston Division
WRITING FOR THE COURT	Al H. Bennett
JURISDICTION	United States District Court for the Southern District of Texas, Houston Division
DECIDED	January 14, 2026
DOCKET	4:25-CV-02850
DISPOSITION	denied
PROCEDURAL POSTURE	Defendant moved to dismiss the complaint. After the magistrate judge recommended denial of the motion, Defendant objected. The district court reviewed the objections and memorandum and recommendation de novo, overruled the objections, adopted the memorandum and recommendation, and denied the motion to dismiss.
STANDARD OF REVIEW	De novo review of the magistrate judge's memorandum and recommendation under Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Victor Chen v. Great American Insurance Company

TOPICS

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QUESTIONS PRESENTED

1. Whether the defendant's objections to the magistrate judge's memorandum and recommendation should be sustained.
2. Whether the complaint failed to satisfy Federal Rule of Civil Procedure 9(b)'s heightened pleading standard for fraud.
3. Whether the defendant's motion to dismiss should be denied.

HOLDINGS

1. The district court adopted the memorandum and recommendation after de novo review and overruled the defendant's objections.
2. The court rejected the defendant's objection asserting that the fraud claim failed to satisfy Rule 9(b) and denied the motion to dismiss.
3. The defendant's motion to dismiss was denied.

KEY QUOTATIONS

“Objections to an M&R mist point out with particularity the error in the Magistrate Judge’s analysis.”
(Order)

“In conclusion, the Court adopts the Memorandum and Recommendation (Doc. #16) as its Order. Defendant’s Motion to Dismiss (Doc. #8) is DENIED.” (Order)

FACTUAL BACKGROUND

Great American Insurance Company asserted claims against Victor Chen for conversion, Texas Theft Liability Act liability, unjust enrichment, money had and received, fraud, and breach of fiduciary duty. Chen, proceeding pro se, moved to dismiss the claims and argued that the fraud allegations did not satisfy Rule 9(b)'s heightened pleading standard. The magistrate judge recommended denying the motion to dismiss.

PROCEDURAL HISTORY

Great American Insurance Company sued Victor Chen for conversion, liability under the Texas Theft Liability Act, unjust enrichment, money had and received, fraud, and breach of fiduciary duty. Chen moved to dismiss under Federal Rule of Civil Procedure 9(b), among other grounds. Magistrate Judge Christina Bryan recommended denying the motion, and the district court adopted that recommendation after de novo review and denied Chen's motion.

DISPOSITION

denied

CASES CITED

- United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989)
- Crowley v. Collier, No. 2:23-cv-201, 2024 WL 6815778, at *3 (S.D. Tex. Aug. 14, 2024)

OPINION

□ Southern District of Texas ENTERED UNITED STATES DISTRICT COURT wena □ □ SOUTHERN DISTRICT OF TEXAS OI HOUSTON DIVISION GREAT AMERICAN INSURANCE § COMPANY, § § Plaintiff, § § VS. § CIVIL ACTION NO. 4:25-CV-02850 § VICTOR CHEN, § § Defendant. § ORDER Before the Court are United States Magistrate Judge Christina Bryan’s Memorandum and Recommendation filed on September 11, 2025 (Doc. #16), Defendant Victor Chen’s Objections (Doc. #18), and Plaintiff Great American Insurance Company’s Response (Doc. #19).

The Magistrate Judge’s findings and conclusions are reviewed de novo. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); United States v. Wilson, 864 F.2d 1219, 1221 (Sth Cir, 1989). Having reviewed the parties’ arguments and applicable legal authority, the Court adopts the Memorandum and Recommendation as its Order. In this case, Plaintiff brings claims against pro se Defendant for conversion, liability under the Texas Theft Liability Act, unjust enrichment, money had and received, fraud, and breach of fiduciary duty.

Doc. #1. Defendant moved to dismiss Plaintiff’s claims on July 7, 2025, Doc. #8. The Magistrate Judge recommends this Court deny Defendant’s Motion to Dismiss. Doc. #16. Defendant objects to the Magistrate Judge’s Memorandum and Recommendation on essentially the same grounds argued in his Motion to Dismiss, Doc. #18.

For instance, Defendant contends that Plaintiffs Complaint does not meet Federal Rule of Civil Procedure 9(b)’s heightened pleading standard for fraud. /d at 1. Upon review of the Memorandum and Recommendation, however, the Court agrees with the Magistrate Judge’s conclusions. Further, Plaintiff’s objections are impermissibly vague. See Fed, R. Civ. P. 72(b)(2) (requiring “specific written objections to the [Magistrate Judge’s] proposed findings and recommendations”); Crowley v. Collier, No. 2:23-cv-201, 2024 WL 6815778, at *3 (S.D.

Tex. Aug. 14, 2024) (“Objections to an M&R must point out with particularity the error in the Magistrate Judge’s analysis.”). As such, the Court overrules Plaintiff’s objections to the Memorandum and Recommendation.

In conclusion, the Court adopts the Memorandum and Recommendation (Doc. #16) as its Order. Defendant’s Motion to Dismiss (Doc. #8) is DENIED. It is so ORDERED, JAN 14 2026 Date |

The Honorable Al H, Bennett United States Distriqt Judge

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