

**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.

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 District Judge