

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

motions to dismiss

pleadings

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## PRACTICE AREAS

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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)

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