

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**Armando Lorenzo v. Sandoval & James, PLLC; Esteban Sandoval;
Yudovich Yarrito; Afif Antonio Hid Velasco a/k/a Afif Hid; and
Hideal Group, LLC**

Lorenzo v. Sandoval & James · No. 03-24-00071-CV · Decided January 28, 2026

SUMMARY

The Texas Court of Appeals, Third District, affirmed the denial of Armando Lorenzo’s motion to dismiss under the Texas Citizens Participation Act. Applying the Texas Supreme Court’s decision in *Ferchichi v. Whataburger Restaurants*, the court held that a filing seeking sanctions, regardless of whether titled a motion, claim, or counterclaim, is not a TCPA “legal action” because it does not assert a substantive legal claim for relief. The court therefore affirmed the trial court’s order.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Maggie Ellis; Chief Justice Byrne; Justice Theofanis; Justice Ellis
JURISDICTION	Texas Court of Appeals, Third District at Austin
DECIDED	January 28, 2026
DOCKET	03-24-00071-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Interlocutory appeal from the denial of a motion to dismiss under the Texas Citizens Participation Act.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Armando Lorenzo v. Sandoval & James, PLLC, Esteban Sandoval, Yudovich Yarrito, Afif Antonio Hid Velasco a/k/a Afif Hid, Hideal Group, LLC

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QUESTIONS PRESENTED

1. Whether Velasco's request for sanctions and fees, despite being styled in part as a counterclaim, constituted a TCPA 'legal action' subject to dismissal.
2. Whether the trial court properly denied Lorenzo's TCPA motion to dismiss.

HOLDINGS

1. A motion or request for sanctions that is ancillary to the substantive claims in an existing suit and cannot stand on its own is not a 'legal action' subject to dismissal under the TCPA.
2. Lorenzo was not entitled to TCPA dismissal because Velasco's sanctions request was not a legal action within the TCPA.

KEY QUOTATIONS

“Thus, the authoritative holding of Ferchichi is that a motion for sanctions is not a “legal action” under the TCPA.” (at 3)

“Because Velasco’s request for sanctions “does not present a substantive underlying claim for relief,” but is instead based on ancillary conduct, it is not a “legal action” subject to dismissal under the TCPA.” (at 4)

FACTUAL BACKGROUND

Lorenzo brought a barratry action against a law firm and individuals allegedly involved in referring his case to the firm. Velasco denied being employed by the firm or being paid for the referral and sought sanctions and fees on the ground that Lorenzo's claim was groundless and that his counsel knew the relevant facts. Lorenzo characterized the sanctions request as a legal action based on his right to petition and sought dismissal under the TCPA.

PROCEDURAL HISTORY

Lorenzo sued the appellees for barratry. Velasco filed a pleading styled as an answer and counterclaims that substantively sought sanctions and fees against Lorenzo and his counsel. Lorenzo moved to dismiss that request under the TCPA, asserting that it was based on or responsive to his exercise of the right to petition. The trial court denied the TCPA motion, and Lorenzo brought an interlocutory appeal.

DISPOSITION

affirmed

CASES CITED

- Ferchichi v. Whataburger Rests. LLC, 713 S.W.3d 330, 337-341 (Tex. 2025)
- Pate v. Haven at Thorpe Lane, LLC, 681 S.W.3d 476, 488-489 (Tex. App.—Austin 2023)
- Thuesen v. Scott, 667 S.W.3d 467, 474-475 (Tex. App.—Beaumont 2023, no pet.)
- Misko v. Johns, 575 S.W.3d 872, 874 (Tex. App.—Dallas 2019, pet. denied)

- *Surgitek, Bristol-Myers Corp. v. Abel*, 997 S.W.2d 598, 601 (Tex. 1999)

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