

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**BMC West Corporation a/k/a BMC West, LLC and Julian Noe Silva
v. Martha Karlson, as Independent Administrator of the Estate of
Joyce Angela Williams, Deceased**

BMC West · No. 03-23-00737-CV · Decided December 5, 2025

SUMMARY

The Texas Court of Appeals, Third District, affirmed portions of a probate-court judgment concerning the jury’s finding that Joyce Angela Williams suffered compensable mental anguish and its failure to find gross negligence by Julian Noe Silva. It reversed and rendered judgment that Martha Karlson take nothing on her direct-negligence claims against BMC West Corporation and reversed and remanded for a new trial on claims for physical-pain and mental-anguish damages. The court issued a separate concurring and dissenting opinion.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Justice Kelly; Chief Justice Byrne; Justice Triana
JURISDICTION	Texas Court of Appeals, Third District, at Austin
DECIDED	December 5, 2025
DOCKET	03-23-00737-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from the final judgment of Probate Court No. 1 of Travis County.
PRECEDENTIAL VALUE	Published
PARTIES	BMC West Corporation a/k/a BMC West, LLC, Julian Noe Silva v. Martha Karlson, as Independent Administrator of the Estate of Joyce Angela Williams, Deceased

TOPICS

appellate procedure

damages

personal injury

negligence

probate procedure

PRACTICE AREAS

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probate

civil procedure

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QUESTIONS PRESENTED

1. Whether the portions of the trial court's judgment embodying the jury's finding of compensable mental anguish and failure to find gross negligence by Julian Noe Silva contained reversible error.
2. Whether the remaining liability and damages portions of the trial court's judgment contained reversible error.
3. Whether Martha Karlson could recover on her direct-negligence allegations against BMC West Corporation.
4. Whether a new trial was required on claims for physical-pain and mental-anguish damages.

HOLDINGS

1. There was no reversible error in those portions of the judgment, so they were affirmed.
2. Karlson takes nothing on her direct-negligence allegations against BMC West Corporation.
3. The case was remanded for a new trial consistent with the opinion on Karlson's claims for physical-pain and mental-anguish damages.

FACTUAL BACKGROUND

The jury found that Joyce Angela Williams suffered compensable mental anguish. The jury did not find gross negligence by Julian Noe Silva. The trial judgment also included liability and damages determinations challenged on appeal, including direct-negligence allegations against BMC West Corporation and claims for physical-pain and mental-anguish damages.

PROCEDURAL HISTORY

The appeal arose from the trial court's final judgment signed August 3, 2023. The court of appeals affirmed portions of the judgment concerning the jury's finding that Joyce Angela Williams suffered compensable mental anguish and its failure to find gross negligence by Julian Noe Silva; rendered judgment that Martha Karlson take nothing on her direct-negligence allegations against BMC West Corporation; and remanded for a new trial on physical-pain and mental-anguish damages.

DISPOSITION

other

REMAND INSTRUCTIONS

Remand for a new trial consistent with the court's opinion on Martha Karlson's claims for physical-pain and mental-anguish damages. The court also rendered judgment that Karlson take nothing on her direct-negligence allegations against BMC West Corporation. Portions affirming the compensable-mental-anguish finding and the failure to find Silva grossly negligent remain affirmed.

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN JUDGMENT RENDERED DECEMBER 5, 2025 NO. 03-23-00737-CV BMC West Corporation a/k/a BMC West, LLC and Julian Noe Silva, Appellants v. Martha Karlson, as Independent Administrator of the Estate of Joyce Angela Williams, Deceased, Appellee APPEAL FROM PROBATE COURT NO. 1 OF TRAVIS COUNTY BEFORE CHIEF JUSTICE BYRNE, JUSTICES TRIANA AND KELLY AFFIRMED IN PART; REVERSED AND RENDERED IN PART; REVERSED AND REMANDED IN PART -- OPINION BY JUSTICE KELLY CONCURRING AND DISSENTING OPINION BY JUSTICE TRIANA This is an appeal from the final judgment signed by the trial court on August 3, 2023.

Having reviewed the record and the parties' arguments, the Court holds that there was no reversible error in the portions of the judgment that embody the jury's finding that Joyce Angela Williams suffered compensable mental anguish and the jury's failure to find any gross negligence by Julian Noe Silva.

Therefore, the Court affirms those portions of the judgment. The Court further holds that there was reversible error in the remaining liability and damages portions of the judgment. Therefore, the Court renders judgment that Martha Karlson take nothing by her direct-negligence allegations against BMC West Corporation and remands the case for a new trial consistent with the Court's opinion on Martha Karlson's claims for physical-pain and mental-anguish damages.

Each party shall pay the costs of appeal incurred by that party, both in this Court and in the court below.