

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.

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.

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