

TEXAS COURT OF APPEALS, THIRTEENTH DISTRICT, CORPUS CHRISTI–  
EDINBURG

**Peter Ruggero, as Trustee for the Bankruptcy Estate of Christopher  
W. Floyd v. Donnell, Kieschnick, Wolter & Gamez, a Professional  
Corporation, Sandra Sterba-Boatwright, Kristina Fernandez, and  
Texas Farm Bureau**

No. 13-24-00472-CV (Tex. App.—Corpus Christi–Edinburg Mar. 26, 2026) · No. 13-24-00472-CV · Decided  
March 26, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas affirmed summary judgment for attorneys, an insurer, and related defendants in an action brought by a bankruptcy trustee. The court held that the trustee waived challenges to certain summary-judgment grounds and failed to produce evidence raising a fact issue on the elements of breach of fiduciary duty, fraudulent concealment, causation, or damages. The court therefore did not address the appellees’ affirmative defenses.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| COURT                 | Texas Court of Appeals, Thirteenth District, Corpus Christi–Edinburg                                                                                                                                                                                                                                                                                                                                                                                                            |
| WRITING FOR THE COURT | Jaime Tijerina, Chief Justice; Peña, Justice; West, Justice                                                                                                                                                                                                                                                                                                                                                                                                                     |
| JURISDICTION          | Texas Court of Appeals, Thirteenth District, Corpus Christi–Edinburg                                                                                                                                                                                                                                                                                                                                                                                                            |
| DECIDED               | March 26, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| DOCKET                | 13-24-00472-CV                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | Appeal from the County Court at Law No. 3 of Nueces County after the trial court granted appellees' combined traditional and no-evidence motions for summary judgment and dismissed appellant's claims.                                                                                                                                                                                                                                                                         |
| STANDARD OF REVIEW    | Summary judgment is reviewed de novo. The reviewing court takes as true all evidence favorable to the nonmovant, indulges every reasonable inference, and resolves doubts in the nonmovant's favor. When the trial court does not specify its grounds, the judgment must be affirmed if any asserted ground is meritorious. When both parties move for summary judgment, the reviewing court reviews both sides' evidence and determines all questions presented. When a motion |

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|                           | asserts both no-evidence and traditional grounds, the no-evidence grounds are reviewed first.                                                                                                                   |
| <b>PRECEDENTIAL VALUE</b> | Published memorandum opinion; precedential status identified in the supplied metadata as published.                                                                                                             |
| <b>PARTIES</b>            | Peter Ruggero, as Trustee for the Bankruptcy Estate of Christopher W. Floyd v. Donnell, Kieschnick, Wolter & Gamez, a Professional Corporation, Sandra Sterba-Boatwright, Kristina Fernandez, Texas Farm Bureau |

## TOPICS

summary judgment professional negligence standing civil procedure appellate procedure

## PRACTICE AREAS

civil procedure legal malpractice insurance bankruptcy

## QUESTIONS PRESENTED

1. Whether summary judgment could be affirmed on the unchallenged ground that Ruggero lacked standing to assert legal-malpractice claims based on alleged wrongs that did not affect him personally.
2. Whether Ruggero produced no-evidence summary-judgment evidence raising a genuine issue of material fact on the challenged elements of breach of fiduciary duty and fraudulent concealment.
3. Whether the trial court erred by granting appellees' no-evidence and traditional motions for summary judgment.

## HOLDINGS

1. An appellant who fails to specifically challenge every possible ground supporting summary judgment waives any error as to the unchallenged grounds, and the appellate court may affirm without reviewing the merits of the challenged grounds. Because Ruggero did not challenge the standing ground, the court could affirm on that basis.
2. A nonmovant responding to a no-evidence motion for summary judgment must identify evidence raising a fact issue on each challenged element. Ruggero failed to do so for breach, causation, damages, and the elements of fraudulent concealment; therefore, the trial court properly granted no-evidence summary judgment.
3. The trial court did not err in granting appellees' motions for summary judgment and dismissing Ruggero's claims.

## KEY QUOTATIONS

*“When the trial court does not specify the grounds for its ruling, a summary judgment must be affirmed if any of the grounds on which judgment is sought are meritorious.”* (at 5)

*“An appellant seeking to defeat a no-evidence motion for summary judgment must present evidence raising a fact issue on each of the challenged elements.”* (at 8)

## FACTUAL BACKGROUND

Christopher Floyd was involved in a 2014 head-on collision that killed two people, and Texas Farm Bureau insured him under an automobile liability policy. After litigation by the victims' heirs, a jury awarded more than \$11 million, and the heirs and Texas Farm Bureau disputed the amount and manner of tendering policy-limit payments, leading Texas Farm Bureau to file an interpleader. Ruggero, as trustee for Floyd's bankruptcy estate, later alleged that the law firm and the other appellees created or participated in a conflict of interest by representing Floyd and Texas Farm Bureau in connection with the interpleader and thereby caused liability for post-judgment interest. The appellees asserted that the claims were barred or unsupported, and the trial court granted summary judgment after Ruggero failed to adequately respond to the asserted grounds and evidentiary challenges.

## PROCEDURAL HISTORY

Ruggero, as trustee for Floyd's bankruptcy estate, sued the appellees for negligence, gross negligence, breach of fiduciary duty, knowing participation in a breach of fiduciary duty, fraudulent concealment, and related theories arising from the handling of an insurance interpleader and post-judgment interest. The appellees moved for traditional and no-evidence summary judgment, asserting, among other grounds, lack of standing, limitations, res judicata, collateral estoppel, and failure of proof. The trial court granted summary judgment and dismissed the claims; the motion for new trial was overruled by operation of law. The court of appeals affirmed.

## DISPOSITION

affirmed

## CASES CITED

- Moser v. Tex. Farm Bureau Mut. Ins. Co., No. 13-19-00452-CV, 2021 WL 4312969 (Tex. App.—Corpus Christi–Edinburg Sept. 23, 2021, pet. denied) (mem. op.)
- Employers Casualty Co. v. Tilley, 496 S.W.2d 552 (Tex. 1973)
- Community Health Systems Professional Services Corp. v. Hansen, 525 S.W.3d 671, 680 (Tex. 2017)
- Merriman v. XTO Energy, Inc., 407 S.W.3d 244, 248 (Tex. 2013)
- Texas Mutual Insurance Co. v. PHI Air Medical, LLC, 610 S.W.3d 839, 846 (Tex. 2020)
- Krueger v. Atascosa County, 155 S.W.3d 614, 621 (Tex. App.—San Antonio 2004, no pet.)
- First United Pentecostal Church of Beaumont v. Parker, 514 S.W.3d 214, 220 (Tex. 2017)
- United Healthcare Services, Inc. v. First Street Hospital LP, 570 S.W.3d 323, 341 (Tex. App.—Houston [1st Dist.] 2018, pet. denied)
- Bich Ngoc Nguyen v. Allstate Insurance Co., 404 S.W.3d 770, 776 (Tex. App.—Dallas 2013, pet. denied)
- Aguilar v. Morales, 162 S.W.3d 825, 838 (Tex. App.—El Paso 2005, pet. denied)

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