

COURT OF APPEALS OF THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

Mina Pellizzari v. Stan Maynard

No. 07-25-00400-CV · No. 07-25-00400-CV · Decided May 19, 2026

SUMMARY

The Seventh District Court of Appeals of Texas considered a permissive interlocutory appeal concerning whether Texas’s Recreational Use Statute applies to a paid hunting lease and to claims characterized as active negligence. The court held that the statute applied because the landowner had qualifying liability insurance and that the statute covers both negligent-activity and premises-liability claims. The court reversed the order denying summary judgment and rendered judgment for Pellizzari.

CASE DETAILS

COURT	Court of Appeals of the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Alex Yarbrough; Doss; Yarbrough; Pratt
JURISDICTION	Court of Appeals of the Seventh District of Texas at Amarillo
DECIDED	May 19, 2026
DOCKET	07-25-00400-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Permissive interlocutory appeal from the denial of the appellant's traditional motion for summary judgment based on the Texas Recreational Use Statute.
STANDARD OF REVIEW	De novo review applies to a trial court's ruling on a motion for summary judgment. For a traditional motion, the movant must conclusively establish that no genuine issue of material fact exists and that the movant is entitled to judgment as a matter of law. A defendant moving for summary judgment on an affirmative defense bears the burden to conclusively establish that defense; evidence favorable to the nonmovant is accepted as true, reasonable inferences are indulged in the nonmovant's favor, and doubts are resolved in the nonmovant's favor.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Mina Pellizzari v. Stan Maynard

TOPICS

interlocutory appeal

summary judgment

statutory interpretation

premises liability

negligence

PRACTICE AREAS

civil procedure

torts

premises liability

negligence

QUESTIONS PRESENTED

1. Whether the Texas Recreational Use Statute applies to a paid hunting lease and to a business invitee or commercial lessee.
2. Whether the Texas Recreational Use Statute applies to claims characterized as active negligence, including negligent acts or activities rather than premises defects.

HOLDINGS

1. The Texas Recreational Use Statute applies to paid recreational entry and does not exclude a business invitee or commercial lessee merely because the entrant paid for the hunting lease. Pellizzari established the statute's applicability through the statutory liability-insurance alternative in Texas Civil Practice and Remedies Code section 75.003(c)(3).
2. The Texas Recreational Use Statute applies to both premises-defect claims and negligent-activity or negligent-act claims when the claims otherwise fall within the statute's scope. The characterization 'active negligence' does not remove a claim from the statute.

KEY QUOTATIONS

"Therefore, the RUS applies here." (at 11)

"Having found the RUS applies both to business invitees and to what Maynard classifies as "active-negligence" cases, we conclude the trial court erred in denying Pellizzari's motion for summary judgment." (at 12)

FACTUAL BACKGROUND

Maynard held a hunting lease on Pellizzari's Seven Bar Ranch for approximately three years and paid \$1,200 annually. While returning from a hunting blind, Maynard attempted to light a propane heater he believed belonged to Pellizzari's son and property manager; the heater caught fire and exploded, severely burning Maynard. Maynard asserted negligence claims against Pellizzari based on negligent hiring and supervision, permitting the property manager to enter the blind and switch heaters, and maintaining a defective heater.

PROCEDURAL HISTORY

Maynard sued Pellizzari for negligence after he was injured by a propane heater while hunting under a paid hunting lease on Pellizzari's ranch. Pellizzari moved for traditional summary judgment, arguing that the Texas Recreational Use Statute barred liability. The trial court denied the motion but certified two controlling legal

questions for permissive interlocutory appeal. The Court of Appeals granted the appeal, reversed the order denying summary judgment, and rendered judgment for Pellizzari.

DISPOSITION

reversed_and_remanded

CASES CITED

- White Star Energy, Inc. v. Ridgefield Permian Mins., LLC, 725 S.W.3d 505, 509-10 (Tex. App.—El Paso 2025, no pet.)
- Elephant Ins. Co., LLC v. Kenyon, 644 S.W.3d 137, 142 (Tex. 2022)
- Sabre Travel Int’l, Ltd. v. Deutsche Lufthansa AG, 567 S.W.3d 725, 732 (Tex. 2019)
- Motiva Enters., LLC v. Whitmire, No. 09-25-00053-CV, 2026 Tex. App. LEXIS 2824, at *15-16 (Tex. App.—Beaumont Mar. 26, 2026, no pet.)
- Valence Operating Co. v. Dorsett, 164 S.W.3d 565, 661 (Tex. 2005)
- Duarte-Viera v. Fannie Mae, 560 S.W.3d 258, 261-62 (Tex. App.—Amarillo 2016, no pet.)
- McIntyre v. Ramirez, 109 S.W.3d 741, 748 (Tex. 2003)
- City of Waco v. Kirwan, 298 S.W.3d 618, 623 (Tex. 2009)
- Poehls v. Turner, No. 03-01-00727-CV, 2002 Tex. App. LEXIS 6296, at *10 (Tex. App.—Austin Aug. 30, 2002, no pet.)
- Boyer v. Scruggs, 806 S.W.2d 941, 944 (Tex. App.—Corpus Christi 1991, no pet.)
- SandRidge Energy, Inc. v. Barfield, 642 S.W.3d 560, 563 (Tex. 2022)
- McMillan v. Parker, 910 S.W.2d 616 (Tex. App.—Austin 1995, writ denied)
- Lipton v. Wilhite, 902 S.W.2d 598 (Tex. App.—Houston [1st Dist.] 1995, writ denied)
- Bergman v. Daugherty, No. 14-05-01268-CV, 2007 Tex. App. LEXIS 6007, at *10 (Tex. App.—Houston [14th Dist.] July 31, 2007, pet. denied)
- City of Dallas v. Patrick, 347 S.W.3d 452, 457 (Tex. App.—Dallas 2011, no pet.)
- Keetch v. Kroger Co., 845 S.W.2d 262 (Tex. 1992)
- Walmart Stores, Inc. v. Garza, 27 S.W.3d 64, 67 (Tex. App.—San Antonio 2000, pet. denied)
- Sibai v. Wal-Mart Stores, Inc., 986 S.W.2d 702, 705-07 (Tex. App.—Dallas 1999, no pet.)
- Hill v. Fitness Int’l, LLC, No. 02-22-00142-CV, 2023 Tex. App. LEXIS 1906, at *1 n.2 (Tex. App.—Fort Worth Mar. 23, 2023, no pet.)
- State v. San Miguel, 981 S.W.2d 342, 346 (Tex. App.—Houston [14th Dist.] 1998), rev’d on other grounds, 2 S.W.3d 249 (Tex. 1999)
- State v. Shumake, 199 S.W.3d 279, 284 (Tex. 2006)
- City of Texas City v. Woodkins, No. 14-15-01053-CV, 2017 Tex. App. LEXIS 4917, at *12 (Tex. App.—Houston [14th Dist.] May 31, 2017, no pet.)
- Meredith v. Chezem, No. 03-18-00256-CV, 2018 Tex. App. LEXIS 10065, at *8-10 (Tex. App.—Austin Dec. 7, 2018, no pet.)

- City of Lubbock v. Rule, 68 S.W.3d 853, 859 (Tex. App.—Amarillo 2002, no pet.)
- Davis v. Hinds, 215 A.D.3d 1242, 1243, 187 N.Y.S.3d 865 (N.Y. App. 4th Dep't 2023)
- Scott v. Wright, 486 N.W.2d 40 (Iowa 2021)
- Sallee v. Stewart, 827 N.W.2d 128 (Iowa 2013)
- Combs v. Ohio Department of Natural Resources, 55 N.E.3d 1073 (Ohio 2016)
- Kosky v. International Association of Lions Clubs, 565 N.W.2d 260 (Wis. Ct. App. 1997)
- Lindville v. City of Janesville, 516 N.W.2d 427 (Wis. 1994)
- Klien v. United States, 235 P.3d 42, 44 (Cal. 2010)

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