

SUPREME COURT OF TEXAS

H-E-B, L.P. v. Marissa Peterson

H-E-B, L.P. v. Peterson, No. 24-0310 (Tex. Apr. 10, 2026) · No. 24-0310 · Decided April 10, 2026

SUMMARY

The Supreme Court of Texas held that a premises-liability plaintiff responding to a no-evidence summary-judgment motion must present evidence that the dangerous condition existed long enough for the property owner to discover it. Evidence of earlier roof leaks elsewhere in the store, the puddle’s size, rainfall, a dripping rafter, and inspection protocols did not establish the puddle’s duration or constructive knowledge at the time and place of the injury. The court reversed the court of appeals and reinstated summary judgment for H-E-B.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Jane N. Bland
JURISDICTION	Supreme Court of Texas
DECIDED	April 10, 2026
DOCKET	24-0310
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	H-E-B petitioned for review of the court of appeals' reversal of a trial court summary judgment in H-E-B's favor in a premises-liability action.
STANDARD OF REVIEW	Summary judgment rulings are reviewed de novo. For a no-evidence motion, the court views the evidence in the light most favorable to the nonmovant, indulging every reasonable inference and resolving doubts against the motion.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	H-E-B, L.P. v. Marissa Peterson

TOPICS

- premises liability
- summary judgment
- standard of care
- duty of care
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether evidence of earlier roof leaks elsewhere in the store raised a fact issue that H-E-B had constructive knowledge of the puddle in the toy aisle.
2. Whether evidence concerning the rain, a drip from the rafter, the puddle's size, H-E-B's inspection protocol, and the absence of an aisle inspection established the duration of the puddle sufficiently to avoid no-evidence summary judgment.
3. Whether the court of appeals erred in reversing the trial court's summary judgment for H-E-B.

HOLDINGS

1. A plaintiff responding to a no-evidence motion for summary judgment must adduce some evidence that the dangerous condition existed for a sufficient duration before the time and place of the injury for the premises owner to have discovered it. Because the record contained no evidence of how long the puddle existed before Peterson fell, Peterson failed to raise a fact issue on H-E-B's constructive knowledge.
2. Evidence of earlier roof leaks elsewhere in the store, without evidence connecting a leak to the vicinity of the puddle, does not raise a fact issue on H-E-B's constructive knowledge of the puddle at the time and place of Peterson's injury.

KEY QUOTATIONS

“Constructive knowledge of a dangerous condition requires evidence that the condition existed for a sufficient duration before the time and place of the injury for a premises owner to have discovered it.” (11)

“This record contains no evidence of how long the puddle existed before Peterson slipped on it; thus, the court of appeals erred in reversing summary judgment for HEB.” (11)

FACTUAL BACKGROUND

Marissa Peterson slipped on a clear liquid puddle in the toy aisle of an H-E-B store and sustained a knee injury. She observed water around her and testified that water was dripping from a ceiling rafter above the puddle, but she had no idea how long the puddle had existed before her fall. H-E-B had experienced roof leaks elsewhere in the store, but the record contained no reports or repairs involving a leak above the toy aisle before or after the incident. Peterson presented evidence concerning rain, H-E-B's inspection protocol, the puddle's size, and the absence of an employee inspection of the aisle during the preceding two hours, but none established the puddle's duration.

PROCEDURAL HISTORY

Peterson sued H-E-B after slipping on a clear liquid puddle in an H-E-B store. The trial court excluded an expert report and testimony and granted H-E-B's traditional and no-evidence motions for summary judgment. The court of appeals reversed, holding that evidence of earlier roof leaks elsewhere in the store raised a fact issue on constructive knowledge and partially reversing the exclusion of expert testimony. The Supreme Court of Texas reversed the court of appeals and reinstated the trial court's summary judgment.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The court reversed the court of appeals' judgment and reinstated the trial court's summary judgment for H-E-B. No further factual proceedings were ordered on remand.

CASES CITED

- Peterson v. HEB Grocery Co., No. 04-19-00688-CV, 2020 WL 1931628, at *1, *4 (Tex. App.—San Antonio Apr. 22, 2020, pet. denied)
- Energen Res. Corp. v. Wallace, 642 S.W.3d 502, 509 (Tex. 2022)
- Binur v. Jacobo, 135 S.W.3d 646, 650 (Tex. 2004)
- Timpte Indus., Inc. v. Gish, 286 S.W.3d 306, 310 (Tex. 2009)
- City of Keller v. Wilson, 168 S.W.3d 802, 824 (Tex. 2005)
- Keetch v. Kroger Co., 845 S.W.2d 262, 264 (Tex. 1992)
- United Scaffolding, Inc. v. Levine, 537 S.W.3d 463, 471, 473 (Tex. 2017)
- City of San Antonio v. Rodriguez, 931 S.W.2d 535, 536-37 (Tex. 1996)
- Wal-Mart Stores, Inc. v. Reece, 81 S.W.3d 812, 814-17 (Tex. 2002)
- CMH Homes, Inc. v. Daenen, 15 S.W.3d 97, 101-03 (Tex. 2000)
- Wal-Mart Stores, Inc. v. Spates, 186 S.W.3d 566, 567-68 (Tex. 2006)
- Albertsons, LLC v. Mohammadi, 689 S.W.3d 313, 318 (Tex. 2024)
- Brookshire Grocery Co. v. Taylor, 222 S.W.3d 406, 407 (Tex. 2006)
- Brookshire Brothers, Ltd. v. Aldridge, 438 S.W.3d 9, 30 (Tex. 2014)
- Wal-Mart Stores, Inc. v. Gonzalez, 968 S.W.2d 934, 936-38 (Tex. 1998)
- Austin v. Kroger Tex., L.P., 465 S.W.3d 193, 203-04 (Tex. 2015)