

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, HOUSTON DIVISION

Sylvester Chapple v. Benjamin Guy Wiswell and Bisson
Transportation, Inc.

Chapple · No. 4:25-cv-5097 · Decided April 3, 2026

SUMMARY

The United States District Court for the Southern District of Texas addresses Defendants’ motion to strike Plaintiff’s medical and billing record affidavits. The court holds that Texas Civil Practice and Remedies Code § 18.001 is procedural and does not independently permit the affidavits to prove the reasonableness and necessity of medical expenses in federal court, while allowing them to serve as a possible basis for admission of the records.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Houston Division
WRITING FOR THE COURT	Andrew S. Hanen
JURISDICTION	United States District Court for the Southern District of Texas
DECIDED	April 3, 2026
DOCKET	4:25-cv-5097
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to strike the plaintiff's notice of serving medical and billing record affidavits under Texas Civil Practice and Remedies Code section 18.001 and Texas Rule of Evidence 902(10).
STANDARD OF REVIEW	Not stated.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is not stated in the opinion.

TOPICS

- evidence
- expert testimony
- authentication
- civil procedure

PRACTICE AREAS

- Civil procedure
- Evidence
- Personal injury
- Federal courts

QUESTIONS PRESENTED

1. Whether affidavits submitted under Texas Civil Practice and Remedies Code section 18.001 may, standing alone, establish the reasonableness and necessity of a plaintiff's medical expenses in federal court.
2. Whether the affidavits should be stricken entirely or may remain available as a possible basis for admission of the underlying records.

HOLDINGS

1. Section 18.001 is procedural and does not apply in federal court; therefore, the plaintiff's section 18.001 affidavits, standing alone, may not prove the reasonableness and necessity of his medical expenses.
2. The affidavits need not be stricken insofar as they may provide a basis for admission of the medical or business records, but they may not be used by themselves to prove the reasonableness and necessity of the medical expenses.

KEY QUOTATIONS

"Section 18.001 is a procedural act and not applicable in federal court."

"The Court grants the motion to strike insofar as Plaintiff seeks to use them to prove the reasonableness and necessity of his medical expenses."

FACTUAL BACKGROUND

Plaintiff intended to use 15 affidavits concerning his medical and billing records to prove the reasonableness and necessity of his medical expenses. The affidavits were submitted under Texas Civil Practice and Remedies Code sections 18.001 and 18.002 and Texas Rule of Evidence 902(10). Defendants argued that section 18.001 does not apply in federal court and sought to strike the affidavits.

PROCEDURAL HISTORY

Plaintiff notified defendants that he intended to introduce affidavits concerning the reasonable cost and necessity of his medical services. Defendants moved to strike the affidavits, arguing that section 18.001 does not apply in federal court. The district court granted the motion in part and denied it in part.

DISPOSITION

other

CASES CITED

- *Hamburger v. State Farm Mut. Auto. Ins. Co.*, 361 F.3d 875, 886 (5th Cir. 2004)
- *Monsanto Co. v. Johnson*, 675 S.W.2d 305, 312 (Tex. App.—Houston [1st Dist.] 1984, writ ref'd n.r.e.)
- *Rahimi v. United States*, 474 F. Supp. 2d 825, 826 (N.D. Tex. 2006)
- *Castillo v. American Garment Finishers Corp.*, 965 S.W.2d 646, 654 (Tex. App.—El Paso 1998, no pet.)

- Haygood v. De Escabedo, 356 S.W.3d 390, 397 (Tex. 2011)
- Escobar v. Duke Realty Corp., 2021 WL 1326285, at *3 (S.D. Tex. Apr. 8, 2021)
- Espinoza v. State Farm Mut. Auto. Ins. Co., No. 7:19-cv-00299, 2020 WL 4333558, at *7 (S.D. Tex. July 28, 2020)
- Akpan v. United States, No. CV H-16-2981, 2018 WL 398229, at *3 (S.D. Tex. Jan. 12, 2018)
- Jones v. QuikTrip Corp., No. 3:19-CV-2671-D, 2020 WL 6149967, at *2 (N.D. Tex. Oct. 20, 2020)

OPINION

Southern District of Texas ENTERED IN THE UNITED STATES DISTRICT COURT April 03, 2026 FOR THE SOUTHERN DISTRICT OF TEXAS Nathan Ochsner, Clerk HOUSTON DIVISION SYLVESTER CHAPPLE, § § Plaintiff, § VS. § CIVIL ACTION NO. 4:25-cv-5097 § BENJAMIN GUY WISWELL and BISSON § TRANSPORTATION, INC., § § Defendants. § § ORDER Before the Court is Defendants Benjamin Guy Wiswell and Bisson Transportation, Inc's Motion to Strike Plaintiff's Notice of Serving Medical and Billing Record Affidavits.

(Doc. No. 10). Plaintiff Sylvester Chapple did not respond to the motion. Plaintiff filed his Notice of Filing and Service of Records and Affidavits Concerning Reasonable Cost and Necessity of Services. (Doc. No. 10). That notice informed Defendants that, pursuant to Texas Civil Practices and Remedies Code Sections 18.001 and 18.002 and Texas Rule of Evidence 902(10), Plaintiff intends to introduce 15 different affidavits into evidence during trial to prove the reasonableness and necessity of his medical expenses. (/d.).

Defendants moved to strike these affidavits, arguing that Section 18.001 does not apply in federal court. (Doc. No. 11 at 2). Under Texas law, a plaintiff bears the burden of proving the actual amount, necessity, and reasonableness of her past medical expenses. See *Hamburger v. State Farm Mut. Auto. Ins. Co.*, 361 F.3d 875, 886 (5th Cir. 2004); *Monsanto Co. v. Johnson*, 675 S.W.2d 305, 312 (Tex.

App. □ Houston [1st Dist.] 1984, writ ref'd n.re). "Traditionally, expert testimony was the only acceptable means of proving the reasonableness and necessity of past medical expenses." *Rahimi v. United States*, 474 F. Supp. 2d 825, 826 (N.D. Tex. 2006) (citing *Castillo v. American Garment Finishers Corp.*, 965 S.W.2d 646, 654 (Tex. App.—EI Paso 1998, no pet.)).

Following the enactment of Tex. Civ. Prac. & Rem. Ann. § 18.001, the Texas Legislature permitted plaintiffs to submit affidavits to prove the necessity and reasonableness of medical expenses. See id. § 18.001. To the extent that Defendants argue that Plaintiffs § 18.001 affidavits, on their own, may not prove up the reasonableness and necessity of Plaintiff's medical expenses, this Court agrees.

Section 18.001 is a procedural act and not applicable in federal court. *Haygood v. De Escabedo*, 356 S.W.3d 390, 397 (Tex. 2011); see also *Escobar v. Duke Realty Corp.*, 2021 WL 1326285, at *3

(S.D. Tex. April 8, 2021); *Espinoza v. State Farm Mut. Auto. Ins. Co.*, No. 7:19-cv-00299, 2020 WL 4333558, at *7 (S.D. Tex. July 28, 2020) (Alvarez, J.); *Akpan v. U.S.*, No. CV H-16-2981, 2018 WL 398229, at *3 (S.D.

Tex. Jan. 12, 2018) (Atlas, J.); *Jones v. QuikTrip Corp.*, No. 3:19- CV-2671-D, 2020 WL 6149967, at *2 (N.D. Tex. Oct. 20, 2020). Plaintiff should be aware that although a custodian of Plaintiff's medical records, unless otherwise qualified by evidence of expertise, is permitted to provide evidence that might establish the records as business/medical records, a records custodian is not normally an expert who is permitted to testify as to the reasonableness or necessity of Plaintiff's medical expenses.

Should this case proceed to trial, however, if properly disclosed, Plaintiff's treating physicians, or other properly disclosed experts, assuming they have the requisite background, may opine as to and prove the reasonableness and necessity of Plaintiff's medical expenses.

Accordingly, Defendants' motion is GRANTED in part and DENIED in part. The Court will not strike the affidavits insofar as they may provide the basis for their admission into evidence. The Court grants the motion to strike insofar as Plaintiff seeks to use them to prove the reasonableness and necessity of his medical expenses. It is so ordered. \ Signed on this the 3^o "day of April, 2026.

Andrew S. Hanen United States District Judge