

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

Edinburg SRGV, LLC v. Rialto Capital Advisors, LLC

No. 13-24-00291-CV · No. 13-24-00291-CV · Decided April 30, 2026

SUMMARY

The Texas Thirteenth Court of Appeals reviews the dismissal of Edinburg SRGV, LLC’s claims against Rialto Capital Advisors, LLC under the doctrine of forum non conveniens. The trial court determined that New York was an available and adequate alternative forum and that the public and private interest factors favored New York because the dispute involved a New York-law loan agreement, New York litigation, and attorney-fee evidence located in New York. The appellate opinion states that the court affirms the dismissal as modified and addresses whether dismissal with prejudice was proper.

CASE DETAILS

COURT	Texas Court of Appeals, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Clarissa Silva; Peña; Cron
JURISDICTION	Texas Court of Appeals, Thirteenth District, Corpus Christi–Edinburg
DECIDED	April 30, 2026
DOCKET	13-24-00291-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Edinburg SRGV, LLC appealed the trial court's order granting Rialto Capital Advisors, LLC's motion to dismiss under the common-law doctrine of forum non conveniens and dismissing the case with prejudice.
STANDARD OF REVIEW	A forum non conveniens dismissal is reviewed for abuse of discretion. The appellate court considers the legal and factual sufficiency of the evidence supporting the trial court's findings and will reverse only for a clear abuse of discretion when the trial court has considered the relevant public and private interest factors and reasonably balanced them.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Edinburg SRGV, LLC v. Rialto Capital Advisors, LLC

TOPICS

forum non conveniens

appellate procedure

standard of review

commercial litigation

contracts

PRACTICE AREAS

civil procedure

appellate procedure

commercial litigation

contracts

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by dismissing SRGV's action under the common-law doctrine of forum non conveniens in favor of New York.
2. Whether the trial court erred by dismissing SRGV's action with prejudice.

HOLDINGS

1. The trial court did not abuse its discretion in dismissing the action in favor of New York because New York was an available and adequate alternative forum and the relevant public and private interest factors strongly favored New York.
2. A dismissal based on forum non conveniens must generally be without prejudice; the appellate court may modify the judgment and affirm it as modified.

KEY QUOTATIONS

"Courts balance the plaintiff's choice of forum against how a set of public and private interests might 'strongly favor' an available alternate forum." (at 18-20)

"Therefore, the trial court did not abuse its discretion in granting Rialto's forum non conveniens motion." (at 34)

"Generally, a dismissal based on forum non conveniens must be without prejudice." (at 35)

FACTUAL BACKGROUND

SRGV, a Delaware limited liability company associated with a Texas shopping center, obtained a \$32.5 million loan secured by the shopping center under a loan agreement governed by New York law and containing a permissive New York forum-selection clause. After SRGV filed and voluntarily discontinued litigation in New York concerning the loan, Rialto demanded reimbursement for attorney's fees incurred in that litigation, and SRGV paid approximately \$205,051 while reserving its rights. SRGV then sued Rialto in Hidalgo County seeking declarations that the fees were not recoverable and restitution of the payment. The evidence showed that the relevant fee records, attorneys, and witnesses were principally located in New York.

PROCEDURAL HISTORY

SRGV filed suit in Hidalgo County, Texas, seeking declaratory and monetary relief concerning attorney's fees it paid to Rialto after a New York lawsuit was voluntarily discontinued. Rialto moved to dismiss on forum non conveniens grounds in favor of New York. The trial court granted the motion and dismissed with prejudice. The court of appeals affirmed the forum non conveniens ruling but modified the judgment to provide that the dismissal was without prejudice.

DISPOSITION

affirmed

CASES CITED

- K2M3, LLC v. Cocoon Data Holding Pty. Ltd., No. 13-11-00194-CV, 2012 WL 2469705, at *11 (Tex. App.—Corpus Christi–Edinburg June 28, 2012, pet. denied) (mem. op.)
- Vinmar Trade Fin., Ltd. v. Util. Trailers de Mex., S.A. de C.V., 336 S.W.3d 664, 671-72 (Tex. App.—Houston [1st Dist.] 2010, no pet.)
- Piper Aircraft Co. v. Reyno, 454 U.S. 235, 257-60 (1981)
- Gulf Oil Corp. v. Gilbert, 330 U.S. 501, 508-09 (1947)
- In re Gen. Elec. Co., 271 S.W.3d 681, 685 (Tex. 2008)
- In re Pirelli Tire, L.L.C., 247 S.W.3d 670, 676 (Tex. 2007) (orig. proceeding)
- Alvarez Gottwald v. Dominguez de Cano, 568 S.W.3d 241, 246, 248-49 (Tex. App.—El Paso 2019, pet. denied)
- Quixtar Inc. v. Signature Mgmt. Team, LLC, 315 S.W.3d 28, 31-35 (Tex. 2010) (per curiam)
- In re Weatherford Int'l, LLC, 688 S.W.3d 874, 879 (Tex. 2024) (orig. proceeding)
- In re Mahindra USA, Inc., 549 S.W.3d 541, 544 (Tex. 2018)
- Diaz v. Todd, 618 S.W.3d 798, 804-05 (Tex. App.—El Paso 2020, no pet.)
- In re Elamex, S.A. de C.V., 367 S.W.3d 879, 887 (Tex. App.—El Paso 2012, orig. proceeding)
- RSR Corp. v. Siegmund, 309 S.W.3d 686, 709-10 (Tex. App.—Dallas 2010, no pet.)
- Crum & Forster Specialty Ins. Co. v. Creekstone Builders, Inc., 489 S.W.3d 473, 482-83 (Tex. App.—Houston [1st Dist.] 2015, no pet.)
- BMC Software Belg., N.V. v. Marchand, 83 S.W.3d 789, 794 (Tex. 2002)
- Belmonte v. Belmonte, No. 09-07-225-CV, 2008 WL 2057903, at *5 (Tex. App.—Beaumont May 15, 2008, no pet.) (mem. op.)
- Owens Corning v. Carter, 997 S.W.2d 560, 580 n.13 (Tex. 1999)
- Munro v. Jagpal, No. 05-21-00125-CV, 2023 WL 3914554 (Tex. App.—Dallas June 9, 2023, no pet.) (mem. op.)
- Atlantic Marine Construction Co. v. United States District Court for the Western District of Texas, 571 U.S. 49, 67 (2013)
- Veba-Chemie A.G. v. M/V Getafix, 711 F.2d 1243, 1245 (5th Cir. 1983)