

FOURTH COURT OF APPEALS OF TEXAS AT SAN ANTONIO

Progressive Direct Insurance Company v. Christopher Marr

No. 04-25-00540-CV (Tex. App.—San Antonio Apr. 8, 2026) · No. No. 04-25-00540-CV · Decided April 8, 2026

SUMMARY

The Fourth Court of Appeals of San Antonio, Texas, reviewed the denial of Progressive Direct Insurance Company’s special appearance in an underinsured motorist coverage dispute. The court held that Progressive Direct lacked sufficient minimum contacts with Texas for either specific or general personal jurisdiction and that exercising jurisdiction would offend traditional notions of fair play and substantial justice. The court reversed the trial court’s order and rendered judgment dismissing the claims against Progressive Direct for lack of personal jurisdiction.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas at San Antonio
WRITING FOR THE COURT	Adrian A. Spears II; Lori I. Valenzuela; H. Todd McCray
JURISDICTION	Fourth Court of Appeals, San Antonio, Texas
DECIDED	April 8, 2026
DOCKET	No. 04-25-00540-CV
DISPOSITION	reversed
PROCEDURAL POSTURE	Progressive Direct brought an accelerated interlocutory appeal from the denial of its special appearance challenging personal jurisdiction.
STANDARD OF REVIEW	The existence of personal jurisdiction over a nonresident defendant is reviewed de novo. When the trial court makes no findings of fact and conclusions of law concerning its special-appearance ruling, the appellate court implies all relevant facts supported by the evidence that are necessary to support the judgment.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Progressive Direct Insurance Company v. Christopher Marr

TOPICS

- personal jurisdiction
- insurance coverage
- appellate procedure
- civil procedure
- contracts

PRACTICE AREAS

personal jurisdiction

insurance coverage

civil procedure

appellate procedure

contracts

QUESTIONS PRESENTED

1. Whether the trial court had specific personal jurisdiction over Progressive Direct based on the Texas accident, the policy's coverage for out-of-state accidents, or Progressive Direct's alleged contacts with Texas.
2. Whether Texas had general personal jurisdiction over Progressive Direct based on its alleged continuous and systematic contacts with Texas.
3. Whether exercising personal jurisdiction over Progressive Direct would comport with traditional notions of fair play and substantial justice.
4. Whether Progressive Direct's special appearance should have been granted and the claims dismissed for lack of personal jurisdiction.

HOLDINGS

1. Texas lacked specific personal jurisdiction over Progressive Direct because Progressive Direct did not purposefully direct relevant conduct toward Texas and the operative facts of Marr's claims concerned the formation and performance of an insurance policy issued outside Texas to a non-Texas resident, not the Texas automobile accident.
2. Texas lacked general personal jurisdiction over Progressive Direct because Progressive Direct was incorporated and headquartered in Ohio, did not maintain a registered agent in Texas, and had no contacts so continuous and systematic as to render it essentially at home in Texas.
3. Progressive Direct's participation in unrelated Texas lawsuits did not establish either specific or general personal jurisdiction in Marr's action.
4. Even if Progressive Direct's minimum contacts were marginally sufficient, exercising jurisdiction in Texas would offend traditional notions of fair play and substantial justice.
5. The trial court erred by denying Progressive Direct's special appearance; the appellate court reversed the order and rendered judgment dismissing Marr's claims against Progressive Direct for lack of personal jurisdiction.

KEY QUOTATIONS

“A state’s exercise of personal jurisdiction comports with federal due process if (1) the nonresident defendant has “minimum contacts” with the state, and (2) the exercise of jurisdiction comports with traditional notions of fair play and substantial justice.” (at 2)

“Specific jurisdiction exists when (1) the defendant has ‘made minimum contacts with Texas by purposefully availing itself of the privilege of conducting activities [in the state],’ and (2) the defendant’s potential liability arose from or is related to those contacts.” (at 3)

“The Supreme Court has explained that for a corporation, the inquiry “is not whether a foreign corporation’s in-forum contacts can be said to be in some sense ‘continuous and systematic,’” but is instead “whether that corporation’s ‘affiliations with the State are so “continuous and systematic” as to render [it] essentially at home in the forum State.’”” (at 7)

“We conclude that Progressive Direct’s contacts with Texas are insufficient to confer either specific or general jurisdiction and that subjecting Progressive Direct to personal jurisdiction in Texas would offend traditional notions of fair play and substantial justice.” (at 10)

FACTUAL BACKGROUND

Christopher Marr, a Washington resident, purchased an automobile insurance policy from Progressive Direct, an Ohio-based insurer that was not licensed to sell insurance in Texas. The policy provided uninsured/underinsured-motorist coverage for accidents occurring outside the insured's home state. While visiting his mother in San Antonio, Marr was involved in an automobile collision and later sued Progressive Direct in Texas concerning its denial of underinsured-motorist benefits. The policy was issued outside Texas to a Washington resident for a vehicle insured and principally garaged in Washington, and the record did not show that Progressive Direct marketed, solicited, or sold the policy in Texas.

PROCEDURAL HISTORY

Marr, a Washington resident, sued Progressive Direct in Texas over the denial of an underinsured-motorist claim arising from a Texas automobile accident. Progressive Direct, an Ohio insurer not licensed or operating in Texas, filed a special appearance contesting personal jurisdiction. The 407th Judicial District Court of Bexar County denied the special appearance, and the court of appeals reversed and rendered judgment dismissing the claims for lack of personal jurisdiction.

DISPOSITION

reversed

REMAND INSTRUCTIONS

No remand was ordered. The court rendered judgment dismissing Marr's claims against Progressive Direct for lack of personal jurisdiction.

CASES CITED

- Goldstein v. Sabatino, 690 S.W.3d 287, 294 (Tex. 2024)
- LG Chem Am., Inc. v. Morgan, 670 S.W.3d 341, 346 (Tex. 2023)
- Old Republic Nat'l Title Ins. Co. v. Bell, 549 S.W.3d 550, 559 (Tex. 2018)
- Searcy v. Parex Res., Inc., 496 S.W.3d 58, 66 (Tex. 2016)
- International Shoe Co. v. State of Washington, International Shoe Co. v. Washington, 326 U.S. 310, 316 (1945)
- M & F Worldwide Corp. v. Pepsi-Cola Metro. Bottling Co., 512 S.W.3d 878, 885 (Tex. 2017)

- In re Christianson Air Conditioning & Plumbing, LLC, 639 S.W.3d 671, 679 (Tex. 2022)
- Moki Mac River Expeditions v. Drugg, 221 S.W.3d 569, 576, 585 (Tex. 2007)
- Michiana Easy Livin' Country, Inc. v. Holten, 168 S.W.3d 777, 790 (Tex. 2005)
- BMC Software Belgium, N.V. v. Marchand, 83 S.W.3d 789, 794-97 (Tex. 2002)
- Guardian Royal Exch. Assurance, Ltd. v. English China Clays, P.L.C., 815 S.W.2d 223, 226-33 (Tex. 1991)
- Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915, 919 (2011)
- Moncrief Oil Int'l, Inc. v. OAO Gazprom, 414 S.W.3d 142, 150 (Tex. 2012)
- Kelly v. Gen. Interior Constr., Inc., 301 S.W.3d 653, 658-59 (Tex. 2010)
- Daimler AG v. Bauman, 571 U.S. 117, 137-39 (2014)
- Fisher v. Eagle Rock Custom Homes Inc., No. 14-18-00483-CV, 2020 WL 205975, at *6 (Tex. App.—Houston [14th Dist.] Jan. 14, 2020, no pet.)
- Zamarron v. Shinko Wire Co., 125 S.W.3d 132, 143 (Tex. App.—Houston [14th Dist.] 2003, pet. denied)
- Asahi Metal Indus. Co. v. Superior Court, 480 U.S. 102, 113 (1987)
- Burger King Corp. v. Rudzewicz, Burger King Corp. v. Rudzewicz, 471 U.S. 462, 477 (1985)
- World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286, 292 (1980)

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