

COURT OF APPEALS FOR THE SECOND APPELLATE DISTRICT OF TEXAS
AT FORT WORTH

Jeremy Haggard v. Blattner Energy, Inc.

No. 02-25-00056-CV · No. No. 02-25-00056-CV · Decided February 26, 2026

SUMMARY

The Texas Court of Appeals for the Second District affirmed summary judgment for Blattner Energy, Inc. in Jeremy Haggard’s negligence and gross-negligence action arising from a workplace accident at an Iowa wind farm. The court held that Haggard failed to produce evidence raising a genuine issue that Blattner retained contractual control over, or actually controlled, the injury-causing work performed by an independent contractor. The court also concluded that Haggard failed to show harm from the trial court’s refusal to withdraw deemed admissions.

CASE DETAILS

COURT	Court of Appeals for the Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Elizabeth Kerr; Sudderth, C.J.; Kerr, J.; Birdwell, J.
JURISDICTION	Court of Appeals for the Second Appellate District of Texas at Fort Worth
DECIDED	February 26, 2026
DOCKET	No. 02-25-00056-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a final judgment granting Blattner's traditional and no-evidence motions for summary judgment, severing Haggard's claims against Blattner, and rendering a take-nothing judgment.
STANDARD OF REVIEW	The court first reviewed the no-evidence summary judgment under Texas Rule of Civil Procedure 166a(i), viewing the entire record in the light most favorable to the nonmovant, indulging reasonable inferences in the nonmovant's favor, and disregarding contrary evidence unless reasonable jurors could not. It reviewed the deemed-admissions complaint for abuse of discretion, subject to the requirement that Haggard show harm under Texas Rule of Appellate Procedure 44.1(a).
PRECEDENTIAL VALUE	published

PARTIES

Jeremy Haggard v. Blattner Energy, Inc.

TOPICS

negligence

duty of care

summary judgment

discovery dispute

civil procedure

PRACTICE AREAS

negligence

construction law

personal injury

civil procedure

evidence

QUESTIONS PRESENTED

1. Whether Haggard produced more than a scintilla of evidence that Blattner owed him a duty of reasonable care through retained contractual control over C2's work.
2. Whether Haggard produced more than a scintilla of evidence that Blattner exercised actual control over the operative details of C2's injury-causing crane and disassembly work.
3. Whether the trial court's deemed admissions required reversal because they were improperly deemed admitted or because refusing to withdraw them caused harm.

HOLDINGS

1. Haggard failed to produce summary-judgment evidence raising a genuine issue of material fact that Blattner retained a contractual right to control the means, methods, or operative details of C2's work related to Haggard's injury.
2. Haggard failed to produce evidence raising a genuine issue of material fact that Blattner exercised actual control over the operative details of C2's crane and nacelle-disassembly work.
3. Even assuming the trial court abused its discretion by deeming the six requests for admission admitted and refusing to withdraw them, Haggard was not entitled to reversal because he failed to show harm.

KEY QUOTATIONS

“Haggard failed to produce summary-judgment evidence sufficient to raise a genuine issue of material fact that Blattner owed him a duty as C2’s employee through retained contractual control.” (18)

“Thus, we conclude that Haggard failed to produce evidence raising a genuine issue of material fact that Blattner exercised actual control over C2’s crane operations that led to Haggard’s injuries necessary to impose a duty on Blattner.” (35)

“Thus, even if we were to agree that the trial court abused its discretion by deeming and then refusing to withdraw the six deemed admissions, Haggard can show no harm.” (37)

FACTUAL BACKGROUND

Haggard worked for C2 Logistics at an Iowa wind farm repowering project involving NextEra, Blattner, and GE. While Haggard was working on a nacelle platform, a crane operator allowed a suspended load to swing out of control and strike him, causing him to fall approximately five to eight feet and then another five or six feet to the

ground. Haggard was not wearing fall-protection equipment. The evidence showed that C2 directed and controlled the disassembly work and its operative details, while Blattner generally coordinated where C2 would work, conducted safety activities, and had stopped C2's work once before the accident.

PROCEDURAL HISTORY

Haggard sued several entities for negligence and gross negligence after being injured while working at an Iowa wind farm and later joined Blattner. Blattner moved for traditional and no-evidence summary judgment, arguing that it owed Haggard no duty because it did not retain contractual control over, or exercise actual control over, the injury-causing work. The trial court granted summary judgment, denied Haggard's request to withdraw deemed admissions, severed the claims against Blattner, and entered a final take-nothing judgment. The court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Ford Motor Co. v. Ridgway, 135 S.W.3d 598, 600 (Tex. 2004)
- Timpte Indus., Inc. v. Gish, 286 S.W.3d 306, 310 (Tex. 2009)
- B.C. v. Steak N Shake Operations, Inc., 598 S.W.3d 256, 259 (Tex. 2020)
- Sudan v. Sudan, 199 S.W.3d 291, 292 (Tex. 2006)
- Hamilton v. Wilson, 249 S.W.3d 425, 426 (Tex. 2008)
- Mack Trucks, Inc. v. Tamez, 206 S.W.3d 572, 582 (Tex. 2006)
- Smith v. O'Donnell, 288 S.W.3d 417, 424 (Tex. 2009)
- King Ranch, Inc. v. Chapman, 118 S.W.3d 742, 751 (Tex. 2003)
- Merrell Dow Pharms., Inc. v. Havner, 953 S.W.2d 706, 711 (Tex. 1997)
- Elephant Ins. Co. v. Kenyon, 644 S.W.3d 137, 144, 151 (Tex. 2022)
- Praesel v. Johnson, 967 S.W.2d 391, 394 (Tex. 1998)
- Greater Hous. Transp. Co. v. Phillips, 801 S.W.2d 523, 525 (Tex. 1990)
- Payagon v. Exxon Mobil Corp., 536 S.W.3d 499, 504 (Tex. 2017)
- Torrington Co. v. Stutzman, 46 S.W.3d 829, 837 (Tex. 2000)
- Dukes v. Philip Johnson/Alan Ritchie Architects, P.C., 252 S.W.3d 586, 597 (Tex. App.—Fort Worth 2008, pet. denied)
- Nall v. Plunkett, 404 S.W.3d 552, 555 (Tex. 2013)
- Lippert Components, Inc. v. Williams, No. 01-22-00501-CV, 2025 WL 1256624, at *11-12 (Tex. App.—Houston [1st Dist.] May 1, 2025, pet. filed)
- Redinger v. Living, Inc., 689 S.W.2d 415, 418 (Tex. 1985)
- Robles v. Cox Ins. Group, LLC, No. 02-21-00088-CV, 2022 WL 188377, at *3 (Tex. App.—Fort Worth Jan. 20, 2022, no pet.)

- Rhodes v. Interfirst Bank Fort Worth, 719 S.W.2d 263, 264 (Tex. App.—Fort Worth 1986, no pet.)
- Kuo v. Regions Bank, 722 S.W.3d 15, 16 (Tex. 2025)
- Enter. Leasing Co. of Houston v. Barrios, 156 S.W.3d 547, 550 (Tex. 2004)
- Brown v. Cocco, No. 05-23-01151-CV, 2025 WL 2606627, at *2 n.3 (Tex. App.—Dallas Sept. 8, 2025, no pet.)
- Lawson-Avila Constr., Inc. v. Stoutamire, 791 S.W.2d 584, 590 (Tex. App.—San Antonio 1990, writ denied)
- Massage Heights Franchising, LLC v. Hagman, 712 S.W.3d 615, 622 (Tex. 2025)
- Fifth Club, Inc. v. Ramirez, 196 S.W.3d 788, 792 (Tex. 2006)
- Lee Lewis Constr. v. Harrison, 70 S.W.3d 778, 784 (Tex. 2001)
- HNMC, Inc. v. Chan, 683 S.W.3d 373, 382-83 (Tex. 2024)
- Long v. Riedel, 710 S.W.3d 381, 393 (Tex. App.—Fort Worth 2025, no pet.)
- Cent. Ready Mix Concrete Co. v. Islas, 228 S.W.3d 649, 652 (Tex. 2007)
- Hoechst-Celanese Corp. v. Mendez, 967 S.W.2d 354, 358 (Tex. 1998)
- Brazos Contractors Dev., Inc. v. Jefferson, 596 S.W.3d 291, 303-04 (Tex. App.—Houston [14th Dist.] 2019, pet. denied)
- 1701 Com. Acquisition, LLC v. Macquarie US Trading, LLC, No. 02-21-00333-CV, 2022 WL 3904976, at *11-12 (Tex. App.—Fort Worth Aug. 31, 2022, no pet.)
- Grant v. Wind Turbine & Energy Cables Corp., No. 02-21-00036-CV, 2022 WL 2840142, at *9 n.22 (Tex. App.—Fort Worth July 21, 2022, no pet.)
- Hill v. Consol. Concepts, Inc., No. 14-05-00345-CV, 2006 WL 2506403, at *4 (Tex. App.—Houston [14th Dist.] Aug. 31, 2006, pet. denied)
- McClure v. Denham, 162 S.W.3d 346, 353 (Tex. App.—Fort Worth 2005, no pet.)
- Taylor v. Baylor Scott & White Med. Ctr.-Frisco, No. 05-20-00352-CV, 2022 WL 405896, at *9 (Tex. App.—Dallas Feb. 10, 2022, no pet.)
- Sonic Sys. Int'l, Inc. v. Croix, 278 S.W.3d 377, 394-95 (Tex. App.—Houston [14th Dist.] 2008, pet. denied)
- Seaway Prod. Pipeline Co. v. Hanley, 153 S.W.3d 643, 659 (Tex. App.—Fort Worth 2004, no pet.)
- In re Euless Pizza, LP, 702 S.W.3d 543, 546 (Tex. 2024) (orig. proceeding)
- Marino v. King, 355 S.W.3d 629, 633 (Tex. 2011)
- Wheeler v. Green, 157 S.W.3d 439, 443 (Tex. 2005)
- AKT Invs., Inc. v. T Jordan Towing, Inc., No. 02-24-00413-CV, 2025 WL 1536389, at *21-22 (Tex. App.—Fort Worth May 29, 2025, pet. denied)
- Morris v. Hughes, No. 11-08-00224-CV, 2010 WL 252283, at *1 (Tex. App.—Eastland Jan. 21, 2010, pet. denied) (mem. op.) (per curiam)
- Allison v. Post-Newsweek Stations Hou. LP, Nos. 01-10-00775-CV, 01-11-00767-CV, 2011 WL 13362661, at *4 (Tex. App.—Houston [1st Dist.] Dec. 22, 2011, no pets.)