

COURT OF APPEALS, SECOND APPELLATE DISTRICT OF TEXAS AT FORT WORTH

Sheri M. Puffer, M.D. and Women's Health Services Arlington, PLLC
v. Candace Williams

No. 02-25-00244-CV (Tex. App.—Fort Worth Apr. 23, 2026) · No. No. 02-25-00244-CV · Decided April 23, 2026

SUMMARY

The Texas Court of Appeals for the Second Appellate District held that, under *Noe v. Velasco*, a mother cannot recover noneconomic damages for the hardships inherent in a negligently caused pregnancy, even when the pregnancy ends in an abortion. Because the plaintiff's compensatory damages were based solely on pregnancy-related mental anguish, the court held that her medical malpractice claim failed as a matter of law and that exemplary damages were unavailable. The court reversed the trial court's judgment and rendered judgment that the plaintiff take nothing.

CASE DETAILS

COURT	Court of Appeals, Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Bonnie Sudderth, Chief Justice; Sudderth, C.J.; Kerr, J.; Womack, J.
JURISDICTION	Court of Appeals, Second Appellate District of Texas at Fort Worth
DECIDED	April 23, 2026
DOCKET	No. 02-25-00244-CV
DISPOSITION	reversed
PROCEDURAL POSTURE	Appeal from a jury judgment awarding the plaintiff compensatory and exemplary damages in a medical-malpractice action arising from an unperformed tubal ligation and resulting unplanned pregnancy.
STANDARD OF REVIEW	De novo review applies because whether pregnancy-related noneconomic damages are legally recoverable is a pure question of law.
PRECEDENTIAL VALUE	Published Texas intermediate appellate opinion; binding on the parties and precedent within the court's jurisdiction subject to review by the Texas Supreme Court.
PARTIES	Sheri M. Puffer, M.D., Women's Health Services Arlington, PLLC v. Candace Williams

TOPICS

medical malpractice

professional negligence

damages

punitive damages

appellate procedure

PRACTICE AREAS

medical malpractice

professional negligence

appellate procedure

damages

QUESTIONS PRESENTED

1. Whether Texas law permits a mother to recover noneconomic damages for mental anguish and other hardships inherent in an unplanned pregnancy when the pregnancy ends in an abortion.
2. Whether the absence of legally cognizable compensatory damages defeats the award of exemplary damages.

HOLDINGS

1. Under *Noe v. Velasco*, Texas law does not permit recovery of noneconomic damages for the hardships inherent in a negligently caused pregnancy, even when the pregnancy ends in an abortion rather than the birth of a healthy child.
2. Because Williams was not entitled to compensatory damages, the exemplary-damages award could not stand.

KEY QUOTATIONS

“Pregnancy is “inseparable from[] bringing about [a] child’s life”—no matter the pregnancy’s outcome—so a mother cannot recover for the noneconomic hardships inherent in a negligently caused pregnancy.” (at 2)

*“And, under *Noe*, a mother cannot recover for the noneconomic hardships inherent in pregnancy—even when those hardships include the agonizing decision to have an abortion rather than carrying the pregnancy to term.” (at 10)*

*“Therefore, applying *Noe*, we reverse the trial court’s judgment, and we render judgment that Williams take nothing.” (at 10)*

FACTUAL BACKGROUND

Williams had a high-risk twin pregnancy and asked Dr. Puffer to perform a tubal-ligation sterilization during the cesarean delivery. The tubal ligation was not performed, and Williams was not informed of that fact; she later became pregnant again, and that pregnancy was also high-risk. Williams chose to have an abortion and testified that the decision caused substantial mental anguish, including guilt, social withdrawal, and marital strain.

PROCEDURAL HISTORY

Williams sued Dr. Puffer for medical malpractice and alleged that Women's Health Services Arlington was vicariously liable. A jury awarded Williams \$250,000 in compensatory damages and \$100,000 in exemplary damages for mental anguish associated with the decision to terminate the unplanned pregnancy. Puffer appealed, arguing principally that Texas law barred recovery of noneconomic damages for the pregnancy under *Noe v.*

Velasco; the court of appeals sustained that issue, reversed the trial court's judgment, and rendered judgment that Williams take nothing.

DISPOSITION

reversed

CASES CITED

- Noe v. Velasco, 690 S.W.3d 1, 3–12 (Tex. 2024)
- Velasco v. Noe, 645 S.W.3d 850, 864–66 (Tex. App.—El Paso 2022), rev'd in part, 690 S.W.3d 1 (Tex. 2024)
- Hardin v. Obstetrical & Gynecological Assocs. P.A., 527 S.W.3d 424, 435, 440–41 (Tex. App.—Houston [1st Dist.] 2017, pet. denied)
- Jacobs v. Theimer, 519 S.W.2d 846, 847–49 (Tex. 1975)
- Crawford v. Kirk, 929 S.W.2d 633, 637 (Tex. App.—Texarkana 1996, writ denied) (op. on reh'g)
- Nelson v. Krusen, 678 S.W.2d 918, 920, 924–25 (Tex. 1984) (op. on reh'g)
- Edinburg Hosp. Auth. v. Trevino, 941 S.W.2d 76, 78–79 (Tex. 1997)
- Krishnan v. Sepulveda, 916 S.W.2d 478, 479–82 (Tex. 1995)