

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Ramon Cubas and RC Upholstery & Auto Sales, LLC v. Jesus Chinchilla

Cubas v. Chinchilla · No. 01-24-00376-CV · Decided December 9, 2025

SUMMARY

The First Court of Appeals of Texas dismissed RC Upholstery & Auto Sales, LLC’s appeal for lack of jurisdiction because the corporation did not file a notice of appeal through licensed counsel. The court held that the evidence was legally insufficient to support mental anguish damages because it did not establish the duration and severity of the alleged distress or a substantial disruption in the appellee’s routine. The court rendered \$0 in mental anguish damages, affirmed the remainder of the judgment, and found the appellant’s challenge to the clarity of the judgment waived for inadequate briefing.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Amparo "Amy" Guerra; Justice Caughey; Justice Dokupil
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	December 9, 2025
DOCKET	01-24-00376-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from a bench-trial judgment in a suit involving breach of contract and quantum meruit. Ramon Cubas challenged the sufficiency of the evidence supporting mental anguish damages and the clarity and support of the final judgment. The court also considered whether RC Upholstery & Auto Sales, LLC could appeal when only Cubas filed a notice of appeal.

STANDARD OF REVIEW	Legal sufficiency is reviewed under a no-evidence standard. Evidence is legally insufficient when there is a complete absence of evidence of a vital fact, the rules of law or evidence bar consideration of the only evidence offered, the evidence is no more than a scintilla, or the evidence conclusively establishes the opposite of the vital fact. The evidence is viewed in the light most favorable to the verdict, crediting favorable evidence that a reasonable factfinder could believe and disregarding contrary evidence unless a reasonable factfinder could not.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential status identified as published in the provided metadata.
PARTIES	Ramon Cubas, RC Upholstery & Auto Sales, LLC v. Jesus Chinchilla

TOPICS

appellate jurisdiction appellate procedure standard of review quantum meruit damages

PRACTICE AREAS

appellate procedure contracts damages commercial litigation corporate law

QUESTIONS PRESENTED

1. Whether legally sufficient evidence supported the award of mental anguish damages.
2. Whether RC Upholstery & Auto Sales, LLC could pursue an appeal when only Ramon Cubas filed a notice of appeal.
3. Whether Cubas adequately briefed his challenge to the clarity and support of the final judgment.

HOLDINGS

1. The court lacked appellate jurisdiction over RC Upholstery & Auto Sales, LLC because only Cubas filed a notice of appeal and a nonlawyer corporate representative's notice is ineffective to perfect a corporation's appeal.
2. The evidence was legally insufficient to support an award of mental anguish damages because Chinchilla's testimony addressed only the existence or general nature of his distress and did not establish its duration, severity, or a substantial disruption of his routine.
3. Cubas waived his second issue because his brief did not provide substantive analysis explaining how the cited authorities supported his challenge to the final judgment.

KEY QUOTATIONS

“While this testimony provides some evidence of the nature, it does not provide evidence of the “duration[] and severity of the mental anguish” that is necessary to recover such damages.” (7)

“Because it would be inappropriate for this Court to speculate about appellant’s substantive legal arguments, we find waiver of appellant’s second issue due to inadequate briefing.” (8)

“We dismiss the appeal of RC Auto Upholstery & Auto Sales, LLC. We reverse in part the trial court’s judgment only as it pertains to mental anguish damages and render an award of \$0 in damages payable by appellant Ramon Cubas for mental anguish. We affirm the remainder of the judgment.” (10)

FACTUAL BACKGROUND

Chinchilla agreed to pay \$144,000 for a 30% ownership interest in RC Upholstery & Auto Sales, LLC, together with management authority and a monthly payment tied to his ownership interest. After Chinchilla paid in full, the defendants allegedly denied him access to financial information and management functions and later agreed to repurchase his interest but failed to make the required payments. Chinchilla testified that the defendants' conduct caused him lack of sleep, anxiety, depression, and other health issues, but he presented no evidence describing the duration or severity of those conditions or a substantial disruption of his daily routine.

PROCEDURAL HISTORY

Chinchilla sued Cubas and related parties after they allegedly failed to perform under an agreement to repurchase Chinchilla's ownership interest in RC Upholstery & Auto Sales, LLC. The defendants failed to appear at the bench trial, and the trial court entered judgment that included mental anguish damages. Only Cubas filed a notice of appeal and designated the appellate record. The Court of Appeals dismissed RC Auto's appeal for lack of jurisdiction, reversed the judgment as to mental anguish damages and rendered a \$0 award, affirmed the remainder of the judgment, and found Cubas's challenge to the form of the judgment waived for inadequate briefing.

DISPOSITION

other

CASES CITED

- In re K.L.L., 506 S.W.3d 558, 560 (Tex. App.—Houston [1st Dist.] 2016, no pet.)
- Brashear v. Victoria Gardens of McKinney, LLC, 302 S.W.3d 542, 545-46 (Tex. App.—Dallas 2009, no pet.)
- Maison KW Inc. v. Sallyport Comm. Fin., LLC, No. 01-24-00082-CV, 2024 WL 4536143, at *4 (Tex. App.—Houston [1st Dist.] Oct. 22, 2024, no pet.) (mem. op.)
- Crosstex N. Tex. Pipeline, L.P. v. Gardiner, 505 S.W.3d 580, 613 (Tex. 2016)
- Tex. Outfitters Ltd. v. Nicholson, 572 S.W.3d 647, 653 (Tex. 2019)
- Albert v. Fort Worth & W. R.R. Co., 690 S.W.3d 92, 97 (Tex. 2024) (per curiam)
- Bentley v. Bunton, 94 S.W.3d 561, 606 (Tex. 2002)
- Parkway Co. v. Woodruff, 901 S.W.2d 434, 444-45 (Tex. 1995)
- Katy Springs & Mfg., Inc. v. Favalora, 476 S.W.3d 579, 595 (Tex. App.—Houston [14th Dist.] 2015, pet. denied)
- Serv. Corp. Int’l v. Guerra, 348 S.W.3d 221, 231 (Tex. 2011)

- *Stewart Title Guar. Co. v. Aiello*, 941 S.W.2d 68, 72 (Tex. 1997)
- *Walker Sand, Inc. v. Baytown Asphalt Materials, Ltd.*, 95 S.W.3d 511, 514 (Tex. App.—Houston [1st Dist.] 2002, no pet.)
- *Richardson v. Marsack*, No. 05-18-00087-CV, 2018 WL 4474762, at *1 (Tex. App.—Dallas Sept. 19, 2018, no pet.) (mem. op.)
- *Huey v. Huey*, 200 S.W.3d 851, 854 (Tex. App.—Dallas 2006, no pet.)
- *Canton-Carter v. Baylor Coll. of Med.*, 271 S.W.3d 928, 931 (Tex. App.—Houston [14th Dist.] 2008, no pet.)
- *Guimaraes v. Brann*, 562 S.W.3d 521, 545 (Tex. App.—Houston [1st Dist.] 2018, pet. denied)

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