

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

Patricia King v. ER OPCO Craig LLC D/B/A The Craig Senior
Living

No. 07-25-00094-CV (Tex. App.—Amarillo Mar. 3, 2026) · No. 07-25-00094-CV · Decided March 3, 2026

SUMMARY

The Texas Seventh Court of Appeals affirmed summary judgment for ER OPCO Craig LLC in a premises-liability action arising from Patricia King's fall on an icy sidewalk. The court held that, even assuming the facility voluntarily undertook to clear the sidewalks, King established neither an increased risk of harm nor reasonable reliance under the negligent-undertaking doctrine. The court also concluded that the Texas Workers' Compensation Act nonsubscriber issue did not affect the outcome because King failed to show that the facility breached a legal duty.

CASE DETAILS

COURT	Court of Appeals for the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Lawrence M. Doss; Parker, C.J.; Doss, J.; Yarbrough, J.
JURISDICTION	Court of Appeals for the Seventh District of Texas at Amarillo
DECIDED	March 3, 2026
DOCKET	07-25-00094-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a traditional summary judgment in favor of a premises owner and employer in an employee's premises-liability action arising from a slip on naturally occurring ice.
STANDARD OF REVIEW	De novo review of summary judgment, viewing the evidence in the light most favorable to the nonmovant. Traditional summary judgment is proper when the movant establishes that no genuine issue of material fact exists and that it is entitled to judgment as a matter of law. If the trial court does not specify its reasons, the appellate court may affirm on any meritorious theory presented and preserved below.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Patricia King v. ER OPCO Craig LLC d/b/a The Craig Senior Living

TOPICS

premises liability duty of care negligence summary judgment standard of review

PRACTICE AREAS

torts premises liability appellate procedure civil procedure workers compensation

QUESTIONS PRESENTED

1. Whether The Craig breached a legal duty to King under premises-liability law by failing to clear naturally occurring ice and snow.
2. Whether The Craig assumed a duty under the negligent-undertaking doctrine by communicating that it would clear the sidewalks.
3. Whether The Craig's status as a Texas Workers' Compensation Act nonsubscriber prevented it from relying on King's awareness of the ice and snow to avoid liability.

HOLDINGS

1. A premises owner generally has no duty under Texas law to clear naturally occurring ice and snow, and The Craig did not breach a legal duty because the storm, rather than The Craig's conduct, created the icy condition.
2. Even assuming The Craig voluntarily undertook services necessary to protect King, King could not establish either required prong of negligent undertaking: that The Craig's failure to exercise reasonable care increased the risk of physical harm or that King was harmed because she reasonably relied on the undertaking.
3. The Texas Workers' Compensation Act nonsubscriber issue did not affect the outcome because King failed to establish that The Craig breached any legal duty.

KEY QUOTATIONS

"We hold that even if The Craig undertook such a duty, ice and snow are naturally occurring conditions for which no actionable duty arises under Texas law." (at 2)

"A premises owner owes a duty to keep its property safe for invitees against conditions posing unreasonable risks of harm, but that duty does not make the owner an insurer of the invitee's safety." (at 3)

"A duty may nonetheless arise when a defendant voluntarily undertakes to render services it knows or should know are necessary for the protection of another's person, and "either (1) the failure to exercise reasonable care increases the risk of physical harm or (2) harm results because of the other's reliance on the undertaking."" (at 3)

"Because King failed to show that The Craig breached any legal duty, the TWCA nonsubscriber issue does not affect the outcome." (at 5)

FACTUAL BACKGROUND

During a February 3, 2022 winter storm in Amarillo, snow and ice accumulated on The Craig's sidewalks. After an employee reported that the sidewalks and front entrance needed clearing, an administrator said staff would clear them "the best we can" while acknowledging that continuing snowfall made the effort difficult. King, a licensed vocational nurse, slipped on an icy sidewalk while leaving her shift, broke her hip, and later received treatment for frostbite, hypothermia, and the hip injury. She alleged that The Craig assumed a duty to clear the sidewalks by telling employees it would "take care of" them.

PROCEDURAL HISTORY

King sued The Craig for injuries suffered when she slipped on an icy sidewalk while leaving work. The Craig moved for traditional summary judgment, arguing that no genuine issue of material fact existed regarding King's invitee status, The Craig's duty, or causation. The Potter County district court granted the motion, and King appealed. The court of appeals affirmed on the duty issue without reaching King's remaining issues.

DISPOSITION

affirmed

CASES CITED

- Zive v. Sandberg, 644 S.W.3d 169, 173 (Tex. 2022)
- Wilson v. Nw. Tex. Healthcare Sys., Inc., 576 S.W.3d 844, 847-48 (Tex. App.—Amarillo 2019, no pet.)
- Pay and Save, Inc. v. Canales, 691 S.W.3d 499, 501 (Tex. 2024)
- Gibson v. Stonebriar Mall, LLC, No. 05-17-01242-CV, 2019 Tex. App. LEXIS, at *14-15 (Tex. App.—Dallas Feb. 8, 2019, no pet.)
- Wal-Mart Stores, Inc. v. Gonzalez, 968 S.W.2d 934, 936 (Tex. 1998)
- Scott and White Memorial Hosp. v. Fair, 310 S.W.3d 411, 415, 419 (Tex. 2010)
- Elephant Ins. Co., LLC v. Kenyon, 644 S.W.3d 137, 151-52 (Tex. 2022)
- Nall v. Plunkett, 404 S.W.3d 552, 555 (Tex. 2013)
- Austin v. Kroger Texas, L.P., 465 S.W.3d 193, 200 (Tex. 2015)

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