

COURT OF APPEALS FOR THE ELEVENTH DISTRICT OF TEXAS

Mark Carroll and Charlotte Carroll v. Emerald Residential Property Management

Carroll v. Emerald Residential Property Management · No. 11-24-00131-CV · Decided December 18, 2025

SUMMARY

The Eleventh Court of Appeals of Texas affirmed orders dismissing Mark and Charlotte Carroll’s claims against Emerald Residential Property Management under Texas Rule of Civil Procedure 91a and declaring the Carrolls vexatious litigants. The court held that the pleadings established Emerald was not the landlord, failed to support civil conspiracy and intentional infliction of emotional distress claims, and showed no reasonable probability of success. The court also upheld denial of the Carrolls’ motion to recuse the trial judge.

CASE DETAILS

COURT	Court of Appeals for the Eleventh District of Texas
WRITING FOR THE COURT	W. Bruce Williams; Bailey, C.J.; Trotter, J.; Williams, J.
JURISDICTION	Texas Court of Appeals, Eleventh District
DECIDED	December 18, 2025
DOCKET	11-24-00131-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Carrolls appealed the trial court's orders dismissing their claims under Texas Rule of Civil Procedure 91a, declaring them vexatious litigants, and awarding Emerald attorney's fees. They also challenged the denial of their motion to recuse the trial court judge.
STANDARD OF REVIEW	The denial of recusal was reviewed for abuse of discretion. The merits of the Rule 91a dismissal were reviewed de novo. The vexatious-litigant determination was reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published
PARTIES	Mark Carroll, Charlotte Carroll v. Emerald Residential Property Management

TOPICS

- motions to dismiss
- civil procedure
- appellate procedure
- landlord tenant
- eviction

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the regional presiding judge abused his discretion by summarily denying the Carrolls' motion to recuse the trial court judge.
2. Whether the trial court properly dismissed the Carrolls' wrongful-eviction, retaliation, security-deposit, civil-conspiracy, and intentional-infliction-of-emotional-distress claims under Texas Rule of Civil Procedure 91a.
3. Whether the trial court properly declared the Carrolls vexatious litigants under Texas Civil Practice and Remedies Code section 11.054.

HOLDINGS

1. The regional presiding judge did not abuse his discretion by summarily denying the Carrolls' motion to recuse because the motion was unverified, failed to assert a proper Rule 18b ground, and relied only on unfavorable judicial rulings in unrelated cases.
2. The trial court properly dismissed the Carrolls' claims under Rule 91a because their pleadings and attachments affirmatively negated entitlement to relief on the landlord-related claims, failed to plead a legally cognizable civil-conspiracy claim, and failed to plead a legally cognizable IIED claim.
3. The trial court did not abuse its discretion by declaring the Carrolls vexatious litigants because there was no reasonable probability they would prevail and the statutory litigation-history requirements were met; Charlotte independently satisfied the requirement based on at least five adverse pro se litigations within the preceding seven years.

KEY QUOTATIONS

“Judicial rulings alone almost never constitute a valid basis for a motion to recuse based on bias or partiality. Rather, a party’s remedy for unfair rulings is to assign error regarding the adverse rulings.” (5)

“A cause of action has no basis in law if the allegations, taken as true, together with inferences reasonably drawn from them, do not entitle the claimant to the relief sought.” (6)

“IIED is not something that overlaps into alleged conduct for which there is another cause of action, rather it is a “gap filler” tort and was “never intended to supplant or duplicate existing statutory or common-law remedies.”” (9)

FACTUAL BACKGROUND

The Carrolls were evicted from a residential property in Euless in a proceeding in which Michael D. Vargo was identified as the plaintiff and landlord. They alleged that Emerald, the contracted property manager, orchestrated or participated in the eviction, failed to send lease-violation notices to the proper address, failed to return their security deposit, retaliated against them for requesting repairs, conspired to commit fraud, and caused them emotional distress. The Carrolls' pleadings and attachments showed that Emerald was not the landlord or a party

to the lease, and Emerald presented evidence of the Carrolls' prior unsuccessful litigation, including a prior suit against Emerald involving the same subject matter.

PROCEDURAL HISTORY

The Carrolls, proceeding pro se, sued Emerald for wrongful eviction, retaliation, conspiracy to commit fraud, failure to return a security deposit, and intentional infliction of emotional distress. The trial court denied their motion to recuse, dismissed their claims under Rule 91a, declared the Carrolls vexatious litigants, and awarded Emerald attorney's fees. The Eleventh Court of Appeals affirmed; the appeal had been transferred from the Second Court of Appeals under a Texas Supreme Court docket-equalization order.

DISPOSITION

affirmed

CASES CITED

- Drake v. Walker, 529 S.W.3d 516, 528 (Tex. App.—Dallas 2017, no pet.)
- Bethel v. Quilling, Selander, Lownds, Winslett & Moser, P.C., 595 S.W.3d 651, 654 (Tex. 2020)
- City of Dallas v. Sanchez, 494 S.W.3d 722, 724 (Tex. 2016) (per curiam)
- Davis v. Homeowners of Am. Ins. Co., 700 S.W.3d 837, 844 (Tex. App.—Dallas 2023, no pet.)
- Reaves v. City of Corpus Christi, 518 S.W.3d 594, 608 (Tex. App.—Corpus Christi–Edinburg 2017, no pet.)
- St. Anthony’s Minor Emergency Ctr., L.L.C. v. Ross Nicholson 2000 Separate Prop. Tr., 567 S.W.3d 792, 797 n.4 (Tex. App.—Houston [14th Dist.] 2018, pet. denied)
- McKenzie v. Carte, 385 S.W.2d 520, 528 (Tex. App.—Corpus Christi 1964, writ ref’d n.r.e.)
- Westwood Motorcars, LLC v. Virtuolotry, LLC, 689 S.W.3d 879, 885 (Tex. 2024)
- Dailey v. Thorpe, 445 S.W.3d 785, 789 (Tex. App.—Houston [1st Dist.] 2014, no pet.)
- Gary E. Patterson & Assocs., P.C. v. Holub, 264 S.W.3d 180, 204 (Tex. App.—Houston [1st Dist.] 2008, pet. denied)
- Guevara v. Lackner, 447 S.W.3d 566, 582 (Tex. App.—Corpus Christi–Edinburg 2014, no pet.)
- 1st & Trinity Super Majority, LLC v. Milligan, 657 S.W.3d 349, 372 (Tex. App.—El Paso 2022, no pet.)
- Malik v. GEICO Advantage Ins. Co., Inc., No. 01-19-00489-CV, 2021 WL 1414275, at *9 (Tex. App.—Houston [1st Dist.] Apr. 15, 2021, pet. denied) (mem. op.)
- DeVoll v. Demonbreun, No. 04-14-00116-CV, 2014 WL 7440314, at *3 (Tex. App.—San Antonio Dec. 31, 2014, no pet.)
- Hersh v. Tatum, 526 S.W.3d 462, 468 (Tex. 2017)
- Hoffmann–La Roche Inc. v. Zeltwanger, 144 S.W.3d 438, 445, 447 (Tex. 2004)
- Twyman v. Twyman, 855 S.W.2d 619, 621 (Tex. 1993)
- Creditwatch, Inc. v. Jackson, 157 S.W.3d 814, 816 (Tex. 2005)
- Light v. Vistra Energy, No. 10-18-00330-CV, 2021 WL 4777098, at *3 (Tex. App.—Waco Oct. 13, 2021, no pet.) (mem. op.)

- Salazar v. HEB Grocery Co., LP, No. 04-16-00734-CV, 2018 WL 1610942, at *4-5 (Tex. App.—San Antonio Apr. 4, 2018, pet. denied) (mem. op.)
- Catt v. Middleton, 698 S.W.3d 66, 72 (Tex. App.—Houston [14th Dist.] 2024, no pet.)
- Drum v. Calhoun, 299 S.W.3d 360, 364-65 (Tex. App.—Dallas 2009, pet. denied)
- Willms v. Americas Tire Co., 190 S.W.3d 796, 804 (Tex. App.—Dallas 2006, pet. denied)
- 1901 NW 28th St. Tr. v. Lillian Wilson, LLC, 535 S.W.3d 96, 99 (Tex. App.—Fort Worth 2017, no pet.)
- Douglas v. Am. Title Co., 196 S.W.3d 876, 879 (Tex. App.—Houston [1st Dist.] 2006, no pet.)
- Downer v. Aquamarine Operators, Inc., 701 S.W.2d 238, 241-42 (Tex. 1985)

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