

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Andrew Woodward v. Corner West, LLC d/b/a The Dogwood

No. 03-25-00379-CV (Tex. App.—Austin Mar. 26, 2026, no pet.) · No. 03-25-00379-CV · Decided March 26, 2026

SUMMARY

The Texas Court of Appeals, Third District, affirmed summary judgment for Corner West, LLC d/b/a The Dogwood in Andrew Woodward’s Texas Dram Shop Act action arising from an intoxicated-driver collision. The court held that Woodward presented no competent evidence that Laris was obviously intoxicated to the extent he posed a clear danger when Dogwood served him alcohol, and therefore did not reach the challenges to the traditional summary-judgment ruling.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Rosa Lopez Theofanis; Justice Triana; Justice Kelly
JURISDICTION	Texas Court of Appeals, Third District, at Austin
DECIDED	March 26, 2026
DOCKET	03-25-00379-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a final order granting the appellee's combined no-evidence and traditional motions for summary judgment in a Texas Dram Shop Act action.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. When both traditional and no-evidence motions are granted, the appellate court first considers the no-evidence motion. Special-exception and evidentiary rulings are reviewed for abuse of discretion; evidentiary error warrants reversal only if it probably caused rendition of an improper judgment.
PRECEDENTIAL VALUE	Published
PARTIES	Andrew Woodward v. Corner West, LLC d/b/a The Dogwood

TOPICS

- dram shop liability
- summary judgment
- evidence
- appellate procedure
- standard of review

PRACTICE AREAS

torts

civil procedure

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Woodward's special exceptions to Dogwood's no-evidence summary-judgment motion.
2. Whether the trial court abused its discretion in its challenged evidentiary rulings concerning Laris's discovery responses, Woodward's medical records, and Dogwood's affidavit.
3. Whether Dogwood's no-evidence summary-judgment motion was sufficiently specific under Texas Rule of Civil Procedure 166a(i).
4. Whether Woodward produced more than a scintilla of evidence that, when Dogwood served Laris, it was apparent to Dogwood that Laris was obviously intoxicated to the extent that he presented a clear danger to himself and others.
5. Whether the trial court properly granted Dogwood's traditional summary-judgment motion.

HOLDINGS

1. The trial court did not abuse its discretion by denying Woodward's special exceptions because Dogwood's combined motion, considered collectively, gave reasonable notice of the grounds for summary judgment, and Woodward failed to show injury from the denial.
2. Woodward did not establish reversible error in the trial court's evidentiary rulings because he did not show that any alleged evidentiary error probably caused rendition of an improper judgment.
3. Dogwood's no-evidence summary-judgment motion satisfied Texas Rule of Civil Procedure 166a(i) because it clearly identified the challenged Dram Shop Act elements and the Safe Harbor Defense element.
4. The trial court properly granted no-evidence summary judgment because Woodward failed to produce more than a scintilla of evidence that, at the time Dogwood served Laris, it was apparent to Dogwood that Laris was obviously intoxicated to the extent that he presented a clear danger to himself and others.
5. The court did not reach the merits of Dogwood's traditional summary-judgment motion after affirming the no-evidence summary judgment.

KEY QUOTATIONS

“Providing, selling, or serving an alcoholic beverage may be made the basis of a statutory cause of action under this chapter . . . upon proof that:” (at 2)

“The Dram Shop Act “does not just require that the provider served a customer when it knew or should have known that the customer was intoxicated; instead, it requires proof that the provider served the customer when it was apparent to the provider that the customer was obviously intoxicated to the extent that he presented a clear danger to himself and others.”” (at 9)

“The relevant inquiry is the customer’s appearance to the dram shop when he was served—not whether the customer drank an amount of alcohol at the dram shop that may or should make some people very intoxicated.” (at 10)

“But for such circumstantial evidence to be competent, it must be sufficient ‘to constitute the basis of a legal inference’ and not merely permit ‘speculative conclusions.’” (at 10)

FACTUAL BACKGROUND

In the early hours of November 21, 2021, Jesus Laris crashed into Andrew Woodward's pedicab, seriously injuring Woodward. Before the crash, Laris consumed alcohol at several establishments, including Dogwood, where he purchased two hard ciders at approximately 9:47 p.m.; he later visited other bars, drove home around 1:30 a.m., and crashed shortly afterward. A blood sample taken at 4:47 a.m. showed a blood-alcohol concentration of 0.170, and Laris was convicted of intoxication assault. Woodward claimed Dogwood violated the Texas Dram Shop Act by serving Laris when it was apparent that he was obviously intoxicated and presented a clear danger to himself and others.

PROCEDURAL HISTORY

Woodward sued Dogwood and other bar defendants under the Texas Dram Shop Act after Jesus Laris crashed into Woodward's pedicab. Woodward nonsuited all defendants except Dogwood. The trial court denied Woodward's special exceptions and certain evidentiary objections, granted some of Dogwood's evidentiary objections, and granted Dogwood's combined no-evidence and traditional motion for summary judgment. Woodward appealed.

DISPOSITION

affirmed

CASES CITED

- Baylor Univ. v. Sonnichsen, 221 S.W.3d 632, 635 (Tex. 2007)
- Starwood Mgmt., LLC v. Swaim, 530 S.W.3d 673, 678 (Tex. 2017)
- In re Nationwide Ins. Co. of Am., 494 S.W.3d 708, 712 (Tex. 2016) (orig. proceeding)
- McConnell v. Southside Indep. Sch. Dist., 858 S.W.2d 337, 342–43 (Tex. 1993)
- Stephens & Johnson Operating Co. v. Schroeder, No. 04-14-00167-CV, 2015 WL 4760029, at *4 (Tex. App.—San Antonio Aug. 12, 2015, pet. denied) (mem. op.)
- Vodicka v. Lahr, No. 03-10-00126-CV, 2012 WL 2075713, at *4–5 (Tex. App.—Austin June 6, 2012, no pet.) (mem. op.)
- Gause v. Gause, 496 S.W.3d 913, 919 (Tex. App.—Austin 2016, no pet.)
- Martinez v. Wilson Plaza Assocs., L.P., No. 13-02-00697-CV, 2004 WL 2471785, at *4 (Tex. App.—Corpus Christi–Edinburg Nov. 4, 2004, no pet.) (mem. op.)
- Texas Dep't of Transp. v. Able, 35 S.W.3d 608, 617 (Tex. 2000)
- Robinson v. Harkins & Co., 711 S.W.2d 619, 621 (Tex. 1986)

- Ford Motor Co. v. Ridgway, 135 S.W.3d 598, 600 (Tex. 2004)
- Wal-Mart Stores, Inc. v. Xerox State & Loc. Sols., Inc., 663 S.W.3d 569, 576 (Tex. 2023)
- Timppte Indus., Inc. v. Gish, 286 S.W.3d 306, 311 (Tex. 2009)
- Raoger Corp. v. Myers, 711 S.W.3d 206, 210–15 (Tex. 2025)
- Watson v. Shooters Billiards & Sports Bar, LLC, No. 03-23-00517-CV, 2025 WL 2844491, at *4 (Tex. App. —Austin Oct. 8, 2025, no pet.) (mem. op.)
- 20801, Inc. v. Parker, 249 S.W.3d 392, 394 (Tex. 2008)

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