



Case Summaries February 21, 2025

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DECIDED CASES

Pitts v. Rivas, ___ S.W.3d ___, 2025 WL ___ (Tex. Feb. 21, 2025) [[23-0427](#)]

In this case the Court adopts the anti-fracturing rule for professional malpractice.

Accountants Brandon and Linda Pitts provided accounting services to Rudolph Rivas, a home builder. Rivas sued the Accountants, claiming they negligently prepared financial statements, resulting in overpayment of taxes and a loss of credit that damaged Rivas's business. Rivas's claims included negligence, fraud, and breach of fiduciary duty. The Accountants sought summary judgment, relying on the statute of limitations, the anti-fracturing rule, and other arguments. The district court granted summary judgment on all claims. The court of appeals reversed on the fraud and breach of fiduciary duty claims. The Supreme Court reversed the court of appeals in part and rendered a take-nothing judgment for the Accountants on all claims.

The Court noted the anti-fracturing rule's development in the courts of appeals. Under this rule, if the crux or gravamen of the claim concerns the quality of the defendant's professional services, the claim is treated as one for professional negligence even if the petition attempts to assert additional claims. The Court found merit to the rule and concluded that it barred Rivas's fraud claim. The gravamen of that claim was that defendants made accounting errors that harmed Rivas's business—a straightforward accounting malpractice claim.

The Court further held that the breach of fiduciary claim failed because no fiduciary duty existed. Rivas claimed an informal fiduciary duty arose because Rivas and Pitts sometimes had dinner together, their sons had been roommates, Rivas had built Pitts a house at a discount, and Rivas had developed a high degree of trust in Pitts. These allegations did not give rise to a fiduciary duty, which rarely arises in a business relationship. Subjective belief that a business associate is a fiduciary is never sufficient. The parties' engagement letters further suggested the lack of a special relationship of trust and confidence, instead contemplating an arms-length relationship.

Justice Huddle filed a concurring opinion that would bar fiduciary duty claims premised only on informal relationships, and instead limit such claims to those where the defendant assumed a role that Texas law recognizes as fiduciary in nature.

REME, L.L.C., v. State, ___ S.W.3d ___, 2025 WL ___ (Tex. Feb. 21, 2025) (per curiam) [[23-0707](#)]

At issue in this case is whether the deadline to object to a condemnation award begins to run from the filing of the award with the court clerk or not until presentment to the trial court judge.

The State brought a condemnation action to acquire about one-tenth of an acre from REME, L.L.C. The trial court appointed commissioners, who awarded damages for the taking. The State filed the award with the court clerk as part of an order requesting that costs be assessed. Three days later, the judge signed the order. The State objected to the findings outside the statutory time for raising an objection to the award, if calculated from the date it filed the award with the clerk. The State argued that its objections were filed within the deadline, if calculated from the date of judicial signature. The trial court held the State's objection untimely and rendered judgment. The State appealed, and agreeing with the State, the court of appeals held that Property Code Section 21.018(a), which requires that the award be filed "with the court," means receipt by the judge.

The Supreme Court reversed the court of appeals' judgment and reinstated the judgment of the trial court. The Court held that the State's objection was untimely because the requirement that an award be filed "with the court" includes receipt by the trial court clerk.