

Update on the Texas Supreme Court

by
Justice Jeff Boyd
and
Kurt Kuhn

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Top Cases



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Pleadings

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Brumley v. McDuff
No. 19-0365 (Feb. 5, 2021)



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Brumley v. McDuff

A plaintiff sufficiently pleads a cause of action when the elements of the claim and the relief sought may be discerned from the pleadings alone.

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Brumley v. McDuff

The court of appeals nevertheless concluded that the Brumleys “filed the wrong cause of action” because: (1) the Brumleys’ petition did not mention trespass to try title but instead characterized the action as one “to quiet title”; and (2) the Brumleys’ prayer for relief requested a “[j]udgment quieting title to the Property...” We conclude that these unobjected-to complaints do not alter the petition’s fundamental substance.

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