

Update on the Texas Supreme Court

by
Justice Jeff Boyd
and
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1

Top Cases



2

Pleadings

3

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



4

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.

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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