

# Update on the Texas Supreme Court

by  
Justice Jeff Boyd  
and  
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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.

## *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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