



Case Summaries October 10, 2025

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DECIDED CASES

Kuo v. Regions Bank, ___ S.W.3d ___, 2025 WL ___ (Tex. Oct. 10, 2025) (per curiam) [24-1039]

In this appeal of a summary judgment, the issue is whether the court of appeals erred in refusing to address the merits of issues Petitioners raised.

Regions Bank made loans for a medical facility. Petitioners signed guaranties securing the loans. The Bank sued Petitioners to collect on the guaranties. The district court granted summary judgment for the Bank. Petitioners raised several issues on appeal. As to three of these issues challenging the sufficiency of the evidence, the court of appeals did not reach the merits, instead ruling sua sponte that the issues were not preserved for appeal because the appellate record was missing certain documents offered in support of the Bank's summary judgment motion. Petitioners and the Bank agreed that even though the documents were not attached to the relevant summary judgment motion, they had been filed multiple times in the voluminous record and referenced several times in various pleadings, including previously filed summary judgment motions.

The Supreme Court reversed the court of appeals' judgment and remanded the case to that court. Under Texas Rule of Civil Procedure 166a(c), the trial court can consider evidence "on file" at the time of the summary judgment hearing. The evidence does not have to be physically attached to the motion. The court of appeals therefore should have reached the merits of Petitioners' evidentiary challenges. If that court was uncertain as to whether documents attached to one pleading were equally applicable to the motion under review, it could have asked the parties to clear up the uncertainty instead of sua sponte finding a forfeiture that was not urged by the Bank.