Supreme Court of Texas

No. 25-0207

Jorge Arellano,
Petitioner,

v.

Magdaleno Villegas,
Respondent

On Petition for Review from the
Court of Appeals for the Third District of Texas

PER CURIAM

Respondent Magdaleno Villegas sued Petitioner Jorge Arellano for injuries sustained in connection with a car wreck. The trial court rendered a no-answer default judgment against Arellano, awarding Villegas $605.44 for past lost wages, $4,233 for past medical expenses, $15,000 for past mental anguish, $35,000 for past physical impairment, $50,000 for past physical pain and suffering, and $150,000 in exemplary damages. At the court of appeals, Villegas requested a remittitur eliminating some of those damages: She stated that she "does not contest Arellano's [evidentiary-sufficiency] complaints about the trial court's award of damages for lost wages, medical expenses, mental

anguish[,] and physical impairment," and she requested that the court "order a remittitur" of the judgment reducing the amount awarded by $54,838.44." ___ S.W.3d ___, 2025 WL 284912, at *4 n.5 (Tex. App.—Austin 2025, pet. denied). The court of appeals held the evidence legally insufficient to support the mental-anguish, physical-impairment, and exemplary-damages awards, and it remanded for a new trial on those issues. It affirmed the awards for lost wages, medical expenses, and pain and suffering.

In this Court, in her briefing on the merits, Villegas asked us to "reverse and render a judgment that [she] take[] nothing on all other categories of damages" except pain and suffering because she "does not wish to pursue a new trial" on those damages. In her response to Arellano's motion for rehearing, she reiterates, consistent with representations in her merits briefing, that she is "willing to abandon the opportunity for a new trial" on the damages categories that the court of appeals remanded, and that she seeks an affirmance only as to the award for pain and suffering. She also "does not disagree" with Arellano's contention that, at a minimum, this Court should have reduced the damages award in accordance with her concessions. But she now affirmatively acknowledges, seemingly for the first time, that the record does not support the lost-wage and medical-expense awards the court of appeals affirmed. Specifically, her response states that "the record did not contain sufficient evidence to support some of the damages that the court of appeals affirmed"—that is, the lost-wage and

medical-expense awards. It appears Villegas did not offer that express concession in her prior briefing.

About two months after merits briefing concluded (and more than a year after the decision below issued), we decided *Huffman Asset Management, LLC v. Colter*, 740 S.W.3d 476 (Tex. 2026). Relevant here, we expressed heightened skepticism "of default judgments, regardless of the precise legal issue under consideration or the procedural posture in which the case arises." *Id.* at 485. A separate writing underscored that default judgments are "barely tolerable"; in fact, in recent years they have become "nearly verboten." *Id.* at 486 (Huddle, J., concurring). If it were not clear previously, *Huffman* leaves no doubt that no-answer default judgments require enhanced scrutiny to safeguard "the legitimacy of our legal system." *Id.* at 485 (majority opinion).

Villegas's confession of error, read against the principles *Huffman* articulated, compels us to conclude that the judgments below cannot stand. We direct the court of appeals to reassess Villegas's evidentiary submissions and her concessions, including whether her abandonment of a new trial on the remanded categories depends on affirmance of the pain-and-suffering award. In addition, the court's analysis of that award relied in part on the same evidence offered to support the lost-wage and medical-expense awards, which Villegas now expressly concedes the record does not support. The court of appeals may therefore consider on remand whether the concessions bear on that analysis as well. Although we express no view on the merits of the pain-and-suffering award, we expect the court of appeals on remand to

carefully assess and explain whether sufficient evidence supports that portion of the judgment. *See id.*

Accordingly, we grant Arellano's motion for rehearing, grant the petition for review, and, without hearing oral argument, TEX. R. APP. P. 59.1, vacate the court of appeals' judgment and remand the case to that court for further proceedings consistent with this opinion.

OPINION DELIVERED: November 20, 2026