

April 30, 2019

FLETCHER | FARLEY

TEXAS LAW★ALERT

New SCTX Case of RFAs and Gross Negligence *Medina v. Zuniga*

On Friday the Texas Supreme Court handed down its decision in *Medina v. Zuniga*, addressing two issues we see with alarming frequency: the misuse of requests for admissions; and a misunderstanding of the definition of "gross negligence" for the purpose of awarding punitive damages.

Regarding the use of requests for admissions, the Supreme Court reasserted its long-held opinion that admissions should be used for the purpose of "addressing uncontroverted matters or evidentiary ones like the authenticity or admissibility of documents." More important, the Court warned admissions should not be used to establish merit-based conclusions regarding the liability of the parties (i.e. "admit you were negligent," "admit you were speeding," admit there was no contributory negligence"). The Court further found sanctions against the defendant were improper for denying liability-based admissions requests even though ordinary negligence was ultimately stipulated in trial.

Regarding punitive damages, the Supreme Court again emphasized the clear differences between ordinary negligence and gross negligence. As the Court noted, "any driver knows that our roads are replete with thoughtless, careless, and risky drivers. Gross negligence can be supported only by an extreme degree of risk, not 'a remote possibility of injury or even a high probability of minor harm, but rather the likelihood of serious injury to the plaintiff.'"

The Texas Supreme Court's decision, *Medina v. Zuniga*, 2019 WL 1868012 (Tex. Apr. 26, 2019), can be found at [here](#), or email us at lorin.subar@fletcherfarley.com and we will immediately send you a copy.

ABOUT THE AUTHOR:

[Lorin Subar](#) is an associate in the Firm's appellate and coverage practice group. He has over 30 years practice experience including appeals in every Texas Court of Appeals, the Texas Supreme Court, the New Jersey Court of Appeals and Supreme Court, and the U.S. Federal Courts of Appeals for the Fifth and Eighth Circuits. His practice has included representing individuals to Fortune 500 Corporations, including trial representation, in personal injury and commercial litigation matters both within and outside Texas.

ABOUT THE FIRM:

With depth of experience in all matters of tort, commercial, insurance and other litigation, Fletcher Farley is dedicated to resolving conflicts and solving problems for our clients throughout the State of Texas. Our practice involves defending, counseling and negotiating on behalf of businesses and public entities. We leverage our extensive experience and skills as trial and appellate attorneys to achieve resolution both inside and outside of the courthouse. Whether in mediation, arbitration, negotiation or courtroom proceedings, Fletcher Farley provides value as a partner in quickly and effectively resolving conflict and allowing our clients to do what they do best - conduct business.

If you have any comments, questions or would like more information, please contact us at 214-987-9600.

Information presented in this article is accurate as of date of publication. The information provided is not legal advice and use of this information does not create an attorney-client relationship. You should always consult an attorney for more current information, changes in the law or any other information specific to your situation.



FLETCHER | FARLEY

CONFLICT RESOLVED

Copyright © 2019. All Rights Reserved.
fletcherfarley.com