

Opinion issued March 10, 2011



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-09-00819-CV

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**PHILLIP TUNG QUOC NGO, Appellant**

**V.**

**ST. LUKE'S HOSPITAL AT THE VINTAGE, L.L.C. AND VIVIAN HABIB,  
M.D., Appellees**

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**On Appeal from the 125th District Court  
Harris County, Texas  
Trial Court Case No. 2008-38018**

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**MEMORANDUM OPINION**

Appellant Phillip Tung Quoc Ngo's beloved wife Mary Rose Ngo was admitted to St. Luke's Hospital at the Vintage, L.L.C. in 2006 with complaints of

shortness of breath. She died approximately one week later from respiratory failure and multi-organ system failure. She was 82 years old.

Mr. Ngo sued St. Luke's Hospital, pro se, alleging that his wife died because of the hospital's negligence and wrongdoing. He did not file an expert report within 120 days of filing suit, and the trial court granted the hospital's motion to dismiss for failing to comply with the requirements of the Civil Practice and Remedies Code. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 74.351 (West Supp. 2010). In addition, approximately nine months after the expiration of the statute of limitations, Mr. Ngo filed an amended pleading adding Dr. Vivian Habib as a defendant. The trial court granted Dr. Habib's motion for summary judgment based on the two-year statute of limitations. *See id.* § 16.003(b) (West Supp. 2010).

Mr. Ngo filed a notice of appeal. In his appellate brief, he reiterates the factual allegations contained in his pleadings in the trial court, but he does not present any argument that the case should not have been dismissed pursuant to Section 74.351 or that his claim against Dr. Habib was not barred by limitations. Moreover, his brief does not comply with the requirements of Texas Rule of Appellate Procedure 38.1, including the necessity to state the issues presented and to make a clear and concise argument for his contentions with appropriate citations to legal authorities and the record. *See* TEX. R. APP. P. 38.1. Because pro se

litigants are held to the same standards as licensed attorneys, *see Mansfield State Bank v. Cohn*, 573 S.W.2d 181, 184–85 (Tex. 1978), we must conclude that Mr. Ngo has waived any other grounds he may have intended to present for appellate review. *See Tesoro Petroleum Corp. v. Nabors Drilling USA, Inc.*, 106 S.W.3d 118, 128 (Tex. App.—Houston [1st Dist.] 2002, pet. denied).

We affirm the judgment of the trial court.

Michael Massengale  
Justice

Panel consists of Justices Keyes, Sharp, and Massengale.