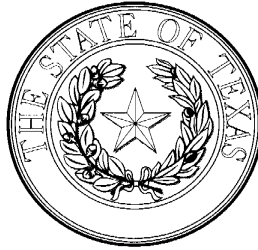


Opinion issued July 21, 2022



In The
Court of Appeals
For The
First District of Texas

NO. 01-20-00583-CV

MICHELE LEE WILLIS, Appellant
V.
SCOTT R. ENSELL, Appellee

**On Appeal from the 80th District Court
Harris County, Texas
Trial Court Case No. 2019-72253**

MEMORANDUM OPINION

Appellant Michelle Lee Willis appeals from the trial court's take-nothing grant of summary judgment in favor of appellee Scott R. Ensell. We affirm.

Background

In October 2019, Willis sued Ensell, her former brother-in-law, alleging that he had mistreated her and her half-sister during a time period ending either prior to 2009, when Ensell divorced Willis's half-sister, or prior to 2013, the last time that Ensell had any communication or interaction with Willis. Willis's pro se pleadings generally raised claims for defamation, intentional infliction of mental distress, negligent infliction of mental distress, a bystander's claim for negligence, unjust enrichment, quantum meruit, breach of contract, negligence, and unpaid wages or salary.*

In June 2020, Ensell filed a motion for summary judgment alleging both traditional and no-evidence grounds. Willis filed no response. The trial court granted summary judgment, after which Ensell brought this appeal. We affirm.

Analysis

We construe appellate briefs “reasonably, yet liberally, so that the right to appellate review is not lost by waiver.” *Perry v. Cohen*, 272 S.W.3d 585, 587 (Tex. 2008). We “should reach the merits of an appeal whenever reasonably possible.” *Id.* (citing *Verburgt v. Dorner*, 959 S.W.2d 615, 616 (Tex. 1997)). The purpose of an appellate brief is “to acquaint the court with the issues in a case and to present

* Willis's pleadings did not adequately describe specific causes of action, even after the trial court granted Ensell's special exceptions and gave Willis an opportunity to replead. However, Ensell construed the pleadings as raising several causes of action, and Willis did not challenge his construction as incomplete.

argument that will enable the court to decide the case.” TEX. R. APP. P. 38.9; *see Tyurin v. Hirsch & Westheimer, P.C.*, No. 01-17-00014-CV, 2017 WL 4682191, at *1 (Tex. App.—Houston [1st Dist.] Oct. 19, 2017, no pet.) (mem. op.).

Like licensed attorneys, litigants appearing on their own behalf must comply with applicable laws and rules of procedure. *See Wheeler v. Green*, 157 S.W.3d 439, 444 (Tex. 2005); *Mansfield State Bank v. Cohn*, 573 S.W.2d 181, 184–85 (Tex. 1978). “Having two sets of rules—a strict set for attorneys and a lenient set for pro se parties—might encourage litigants to discard their valuable right to the advice and assistance of counsel.” *Wheeler*, 157 S.W.3d at 444. Failing to require pro se litigants to comply with applicable laws and rules of procedure could give them “an unfair advantage over litigants represented by counsel.” *Mansfield State Bank*, 573 S.W.2d at 185.

We review a trial court’s summary judgment decision de novo. *Starwood Mgmt., LLC v. Swaim*, 530 S.W.3d 673, 678 (Tex. 2017). A trial court must grant a no-evidence motion for summary judgment if: (1) the moving party asserts that there is no evidence of one or more specified elements of a claim or defense on which the adverse party would have the burden of proof at trial; and (2) the respondent produces no summary judgment evidence raising a genuine issue of material fact on those elements. *See* TEX. R. CIV. P. 166a(i); *Kennedy v. DISA, Inc.*, No. 01-18-00744-CV, 2019 WL 2220113, at *3 (Tex. App.—Houston [1st Dist.]

May 23, 2019, no pet.) (mem. op.) (holding that court was required to grant summary judgment when nonmovant filed no response to no-evidence summary judgment motion); *Landers v. State Farm Lloyds*, 257 S.W.3d 740, 746 (Tex. App.—Houston [1st Dist.] 2008, no pet.) (same).

Ensell filed a no-evidence motion for summary judgment, listing the causes of action discernable from Willis’s pleadings, identifying the elements of each, and arguing that there was no evidence of each element of each possible cause of action. Willis filed no response to the no-evidence summary judgment motion. We hold that the trial court did not err by granting summary judgment.

To the extent that Willis raised other issues in her appellate brief, we do not need to reach them because our holding is dispositive of the appeal. *See* TEX. R. APP. P. 47.1.

Conclusion

We affirm the judgment of the trial court. All pending motions are dismissed as moot.

Peter Kelly
Justice

Panel consists of Justices Kelly, Goodman, and Guerra.