



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-15-00766-CV

STATE FARM COUNTY MUTUAL INSURANCE COMPANY OF TEXAS,
Appellant

v.

Liliana DIAZ-MOORE,
Appellee

From the 166th Judicial District Court, Bexar County, Texas
Trial Court No. 2015-CI-04661
Honorable Karen H. Pozza, Judge Presiding

SUPPLEMENTAL OPINION ON MOTION FOR REHEARING

Opinion by: Rebeca C. Martinez, Justice

Sitting: Karen Angelini, Justice
Marialyn Barnard, Justice
Rebeca C. Martinez, Justice

Delivered and Filed: November 23, 2016

MOTION FOR REHEARING DENIED

Appellee Liliana Diaz-Moore has filed a motion for rehearing challenging this court's disposition of the issues raised on appeal and requesting that this court clarify the scope of our remand. The motion for rehearing is denied; however, to the extent necessary given existing Texas Supreme Court precedent defining the scope of a remand in this context, this court's judgment is clarified to limit the scope of the remand to a remand for a new trial on the issue of unliquidated damages. *See Holt Atherton Indus., Inc. v. Heine*, 835 S.W.2d 80, 86 (Tex. 1992) (noting

appropriate disposition when an appellate court sustains a no evidence point after an uncontested hearing on unliquidated damages following a no-answer default judgment is a remand for a new trial on the issue of unliquidated damages); *Trenton v. Hammitt*, No. 04-10-00316-CV, 2010 WL 5545423, at *3 (Tex. App.—San Antonio Dec. 29, 2010, no pet.) (mem. op.) (same). This court's opinion of October 26, 2016, remains unchanged.

Rebeca C. Martinez, Justice