



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-16-00453-CV

Raquel C. **VIDAURRI**,  
Appellant

v.

Harold James **HARRIS**, Individually and D/B/A Hall Harris Insurance Agency,  
Appellee

From the County Court at Law No. 2, Webb County, Texas  
Trial Court No. 2014-CVF-000627-C3  
Honorable Jesus Garza, Judge Presiding

Opinion by: Luz Elena D. Chapa, Justice

Sitting: Karen Angelini, Justice  
Luz Elena D. Chapa, Justice  
Irene Rios, Justice

Delivered and Filed: June 7, 2017

**AFFIRMED**

Raquel Vidaurri appeals the trial court's summary dismissal of her claims against Harold James Harris. She argues the trial court erred by granting Harris's motion for summary judgment on his limitations defense based on the discovery rule. Because Vidaurri does not challenge the other grounds for the trial court's summary judgment, we affirm.

**BACKGROUND**

Harris insured several of Vidaurri's properties in Laredo, San Antonio, and Richardson, Texas. In January 2009, Vidaurri paid Harris for an insurance policy, but Harris told Vidaurri "she

had given [him] a bad check.” Believing Harris, Vidaurri gave Harris another check for the same insurance policy on March 8, 2009. On June 29, 2013, Harris wrote Vidaurri a letter stating he was terminating their business relationship. Harris’s letter referred to Vidaurri’s “bad check,” which prompted her to review her accounts. Vidaurri discovered Harris had misinformed her about the validity of her January 2009 cashier’s check and overcharged her for the insurance policies on her properties.

On March 28, 2014, Vidaurri filed suit against Harris. Harris filed an answer alleging the statute of limitations barred Vidaurri’s causes of action. Harris also filed a motion for summary judgment, listing several grounds for summary judgment on all of Vidaurri’s claims. Harris raised the statute of limitations as his first ground for summary judgment, and thereafter listed several other grounds for summary judgment. Vidaurri did not file a written response to Harris’s motion in the trial court. After a summary judgment hearing, the trial court signed a final judgment dismissing all of Vidaurri’s claims. Vidaurri timely appealed.

#### ANALYSIS

Vidaurri’s sole issue on appeal is that the trial court erred by granting Harris’s motion for summary judgment on his limitations defense because the discovery rule applies to her claims. Harris argues we must affirm because Vidaurri failed to challenge all bases for the trial court’s summary judgment.

“When the trial court does not specify the grounds for its ruling, a summary judgment must be affirmed if any of the grounds on which judgment is sought are meritorious.” *Merriman v. XTO Energy, Inc.*, 407 S.W.3d 244, 248 (Tex. 2013). A party appealing such a judgment “must negate all possible grounds upon which the order could have been granted by either asserting a separate issue challenging each possible ground, or asserting in a general issue that the trial court erred in granting summary judgment and providing argument negating all possible grounds upon which

summary judgment could have been granted.” *Rodriguez v. Lockhart Contracting Servs., Inc.*, 499 S.W.3d 48, 62-63 (Tex. App.—San Antonio 2016, no pet.). “[G]rounds of error not asserted by points of error or argument in the court of appeals are waived.” *San Jacinto River Auth. v. Duke*, 783 S.W.2d 209, 209-10 (Tex. 1990) (per curiam). “Unless an appellant has specifically challenged every possible ground for summary judgment, the appellate court need not review the merits of the challenged ground and may affirm on an unchallenged ground.” *Krueger v. Atascosa Cty.*, 155 S.W.3d 614, 621 (Tex. App.—San Antonio 2004, no pet.). An appellant’s failure to specifically challenge every possible ground for summary judgment waives any error. *See id.*

Harris’s motion for summary judgment specifically listed several grounds for summary judgment. The statute of limitations was only one of several grounds listed in Harris’s motion. The trial court signed an order granting Harris’s motion and dismissed Vidaurri’s claims. The trial court’s order did not specify any ground for its ruling. Consequently, we must affirm if any ground in Harris’s motion is either meritorious or goes unchallenged. *See Merriman*, 407 S.W.3d at 248; *Rodriguez*, 499 S.W.3d at 62-63; *Krueger*, 155 S.W.3d at 621. Vidaurri challenges only Harris’s first ground for summary judgment based on the statute of limitations, and argues only that the discovery rule applies. Vidaurri does not challenge Harris’s other grounds for summary judgment. Our standard of review requires us to uphold the trial court’s judgment. *See Krueger*, 155 S.W.3d at 621.

#### CONCLUSION

We affirm the trial court’s judgment.

Luz Elena D. Chapa, Justice