



**IN THE
TENTH COURT OF APPEALS**

No. 10-08-00111-CV

**JERRY AUTRY, INDIVIDUALLY AND ON
BEHALF OF AUTRY-KENNEDY ENTERPRISES, INC.,
Appellant**

v.

**SHAWN KENNEDY AND OHM AUTOMATION, INC.,
Appellees**

**From the 413th District Court
Johnson County, Texas
Trial Court No. C200500520**

MEMORANDUM OPINION

Jerry Autry, individually and on behalf of the company he partially owned, Autry-Kennedy Enterprises, Inc., sued Shawn Kennedy and OHM Automation, Inc. Kennedy and OHM filed a motion for summary judgment and two supplemental motions for summary judgment alleging various grounds for summary judgment. The trial court granted all the motions without specifying upon which ground it was relying. Because at least one ground on which summary judgment was sought was not challenged on appeal, we affirm.

To obtain a reversal when the trial court does not specify the basis for its summary judgment, the appealing party must show it is error for the judgment to be based on any ground asserted in the motion. *Star-Telegram, Inc. v. Doe*, 915 S.W.2d 471, 473 (Tex. 1995). One ground asserted in Kennedy and OHM's first motion was the defense of the statute of limitations. Autry did not respond to that ground at the trial court and has not challenged that ground in his appeal. Having no complaint from Autry regarding the trial court's decision to grant the motion for summary judgment based on the limitations ground, we must affirm the summary judgment in favor of Kennedy and OHM. See *Shanklin v. Grimes*, No. 10-01-00023-CV, 2003 Tex. App. LEXIS 5332 (Tex. App.—Waco June 25, 2003, no pet.) (mem. op.); *Heister v. W. Shamrock*, No. 10-01-00366-CV, 2003 Tex. App. LEXIS 5160 (Tex. App.—Waco June 18, 2003, no pet.) (mem. op.).

The trial court's judgment is affirmed.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Vance, and
Justice Reyna

Affirmed
Opinion delivered and filed September 24, 2008
[CV06]