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SUPREME COURT OF TEXAS
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ORAL ARGUMENT REQUESTED

No. 24-1069

IN THE
SUPREME COURT OF TEXAS

SOREN ALDACO

v.

BARBARA ROSE WOOD AND THREE OAKS COUNSELING GROUP, LLC, D/B/A THRIVEWORKS

On Appeal from the Second District Court of Appeals,
Fort Worth, Texas
Cause No. 02-24-00217-CV

BRIEF ON THE MERITS

CAMPBELL MILLER PAYNE, PLLC
Ronald L. Miller
Bar No. 24095424
5955 Alpha Rd #1491
Dallas, Texas 75240
(972) 698-5188
ron@cmppllc.com

Daniel Sepulveda
State Bar No. 24100910
daniel@cmppllc.com

BARLETTA LAW, PLLC
Natalie Barletta
Bar No. 24062601
11613 Spring Cypress Rd, Unit G
Tomball, TX 77377
natalie@barletta-law.com

ATTORNEYS FOR PETITIONER

IDENTITY OF PARTIES & COUNSEL

Petitioner:	Soren Aldaco
Respondents:	Barbara Rose Wood, Three Oaks Counseling Group, LLC, d/b/a Thriveworks
Trial Court Judge:	Hon. Donald J. Cosby 67th District Court Tarrant County, TX
Appellate Court Justices:	Justice Sudderth Justice Birdwell Justice Wallach
Petitioner's Counsel:	CAMPBELL MILLER PAYNE, PLLC Ronald L. Miller State Bar No. 24095424 5955 Alpha Rd #1491 Dallas, Texas 75240 (972) 698-5188 (telephone) ron@cmppllc.com Daniel Sepulveda State Bar No. 24100910 daniel@cmppllc.com *(Trial and Appellate Counsel)* BARLETTA LAW, PLLC Natalie Barletta State Bar No. 24062601 11613 Spring Cypress Rd Unit G Tomball, Texas 77377 (832) 532-6805 natalie@barletta-law.com (*Appellate Counsel*)

Respondent's Counsel:

William H. Chamblee
State Bar No. 04086100
CHAMBLEE RYAN, P.C.
2777 Stemmons Freeway, Suite 1257
Dallas, Texas 75207
(214) 905-2003 (telephone)
(214) 905-1213 (facsimile)
wchamblee@cr.law
(Trial and Appellate Counsel)

Annik L. Morgan Barrios
State Bar No. 24095307
CHAMBLEE RYAN, P.C.
2777 Stemmons Freeway, Suite 1257
Dallas, Texas 75207
(214) 905-2003 (telephone)
(214) 905-1213 (facsimile)
amorgan@cr.law
(Trial and Appellate Counsel)

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STATEMENT OF THE CASE

Nature of the underlying case:	Summary judgment proceeding addressing the statute of limitations under the Texas Medical Liability Act
Trial court's designation and county:	67th District Court, Tarrant County, Texas
Disposition of the case:	The trial court granted the Respondent/Appellees' Motion for Summary Judgment, concluding that Petitioner/Appellant's claims were time-barred under the Texas Medical Liability Act.
Parties in the court of appeals:	Appellant: Soren Aldaco Appellees: Barbara Rose Wood and Three Oaks Counseling Group, LLC, d/b/a Thriveworks
Court of Appeals:	Second Court of Appeals, Fort Worth, Texas, Opinion by Justice Sudderth, joined by Justices Birdwell and Wallach, *Aldaco v. Wood and Three Oaks Counseling Group, LLC, d/b/a Thriveworks*, No. 02-24-00217-CV, 2024 WL 4849743 (Tex. App.—Ft. Worth November 21, 2024, pet. filed).
Disposition of the case by the court of appeals:	The Court of Appeals affirmed the trial court's judgment. *Id*. at *1.

To the Honorable Supreme Court of Texas:

Petitioner, Soren Aldaco, submits this Brief on the Merits in response to this Court's June 20, 2025, request for additional briefing.

STATEMENT REGARDING ORAL ARGUMENT

Although Petitioner represents that the relevant facts and law are thoroughly and adequately briefed in this Brief on the Merits, Petitioner believes that oral argument will aid this Court's ultimate decision and requests the opportunity to present oral argument in this case. This case involves the court of appeals' abrogation of long-standing precedent, displacing the legal injury rule with a misinterpretation of statutory law. This misinterpretation deprives plaintiffs of their day in court and fundamentally alters such basic judicial principles as standing and legal injury. Petitioner believes oral argument will help shed light on the deleterious reasoning of the court of appeals' ruling and how that ruling will negatively impact the ability of future plaintiffs to bring legitimate claims.

STATEMENT OF JURISDICTION

This Court has jurisdiction over this appeal because it arises from a final judgment and raises issues important to the jurisprudence of this

state. *See* TEX. GOV'T CODE § 22.001(a). This case also presents an important question of state law that should be, but has not been, resolved by this Court, namely the construction of the limitations provision of the Texas Medical Liability Act. TEX. R. APP. P. 56.1(a)(3). Finally, this case involves a grave error of law—the complete elimination of the standing doctrine and legal injury rule and, as such, raises important constitutional issues that should be addressed by this Court. TEX. R. APP. P. 56.1(a)(4)(5).

This Court should exercise its jurisdiction to remedy the court of appeals' decision which unconstitutionally deprives litigants of their day in court by forcing them to file a lawsuit prior to having standing to file a lawsuit. This unconstitutional misinterpretation of the TMLA denies plaintiffs, like Ms. Aldaco, of their day in court, pursuing legitimate malpractice claims against negligent medical providers. The Second Court of Appeals single-handedly displaces the long-standing legal injury rule and fundamentally alters the constitutional standing requirement with this one erroneous decision.

This Court should grant this Petition for Review to remedy the court of appeals' misinterpretation of the TMLA, to finally interpret the

limitations provision of the TMLA for plaintiffs like Ms. Aldaco, and to correct the lower court's constitutional error in abrogating both the standing doctrine and the legal injury rule. This Court's guidance is needed regarding the construction of the TMLA to ensure the fundamental purpose of the statute remains.

STATEMENT OF THE ISSUES

1. The Second Court of Appeals erred in measuring the statute of limitations from the date of the Wood Letter rather than the date Ms. Aldaco *relied* on the letter and suffered a legal injury.
2. The Second Court of Appeals erred in affirming summary judgment when the Wood Defendants failed to conclusively prove each element of their defense.
3. The Second Court of Appeals misinterpreted the TMLA and rendered subsection (b) of section 74.251 meaningless, unduly restricting Ms. Aldaco's rights to her meritorious claims.

STATEMENT OF FACTS

The court of appeals' opinion correctly stated the nature of the case. *Aldaco v. Wood and Three Oaks Counseling Group, LLC, d/b/a Thriveworks,* No. 02-24-00217-CV, 2024 WL 4849743 (Tex. App.—Ft.

Worth November 21, 2024, pet. filed). On appeal, Ms. Aldaco raised three challenges to the trial court's order granting summary judgment: (1) the trial court measured the statute of limitations from the wrong date; (2) the trial court erred in sustaining the Wood Defendants' objections to her summary judgment evidence; and (3) the trial court erred in dismissing her fraud claims which were never addressed in the Wood Defendants' Motion for Summary Judgment. *Id.* at *5, *12–13. The court of appeals primarily addressed only the statute of limitations, issue one, and overruled Appellant's second and third issues, finding any error by the trial court was harmless because the court's decision on issue one was dispositive. *Id.* at *11–13.

Ms. Aldaco's Early Life

Soren Aldaco lived a troubled life, leaving her vulnerable to manipulation and susceptible to risky medical decision-making during her teen years. Making matters worse, Ms. Aldaco experienced early puberty and suffered ridicule from peers during her pre-teen and teen years. CR 100 (¶ 21). In eighth and ninth grades, Ms. Aldaco fluctuated between gender identities. CR 101 (¶¶ 23–24). In high school, her troubles only worsened, leaving her with debilitating depression and

anxiety. CR 101 (¶ 24). She fell behind in classes and had the added psychological stress of meeting her biological father for the first time at age fifteen. CR 101 (¶ 25). A month after meeting her father, her mental health issues coalesced, manifesting in a manic episode requiring psychiatric hospitalization on January 5, 2018. CR 101 (¶ 25).

Ms. Aldaco Seeks Help from Wood and Three Oaks

Respondent Barbara Wood is a counselor at Three Oaks Counseling Group, LLC. CR 118 (¶ 81). Around July 24, 2020, Ms. Aldaco began attending telehealth appointments with Wood to work through some relationship issues with her then partner. CR 104 (¶¶ 33–34). Specifically, Ms. Aldaco struggled with co-dependency; her sessions were almost exclusively focused on this issue. CR 104 (¶¶ 33–35). To the extent the topic of gender expression arose, Ms. Aldaco told Wood that she was still exploring her gender and was becoming more comfortable with a non-binary expression. CR 104 (¶ 35). In other words, Ms. Aldaco expressed to Wood that her gender identity was fluid, and she was finding balance in this fluidity. CR 104 (¶ 35).

Ms. Aldaco's sessions with Wood never focused on or attempted to fully assess or resolve the source of Ms. Aldaco's gender curiosity. CR 104

(¶ 35). Wood never conducted any type of social assessment of how or whether Ms. Aldaco was publicly living as a transgender man or of what kind of impact that lifestyle was or was not having on her day-to-day mental health. CR 104–05 (¶ 36). Put simply, Wood had little to no insight into Ms. Aldaco's transgender perspective and experience because she never bothered to investigate it. CR 104–05 (¶ 36). Even so, Wood authored a recommendation letter replete with falsities, recommending and even encouraging Ms. Aldaco to permanently disfigure her body by having a double mastectomy. CR 83.

The effect of this letter manifested when it was provided to and relied upon by the Crane Clinic—a notorious surgical center that performs "gender-affirming" surgeries and other "gender-affirming" treatments—as a prerequisite for surgery. CR 105 (¶ 39). Despite only nominally addressing Ms. Aldaco's gender issues and never having fully assessed Ms. Aldaco's gender identity struggles, Wood supplied the Crane Clinic with the required letter; "[n]o problem." CR 105–06 (¶ 41).

The Second Court of Appeals' Findings

Below are the relevant dates pertaining to the issues before this Court as summarized by the court of appeals:

- On February 22, 2021, Wood wrote and provided Ms. Aldaco with a letter recommending that Ms. Aldaco undergo a "gender-affirming" double mastectomy (the "Wood Letter").
- No later than May 14, 2021, Wood stopped counseling Ms. Aldaco.
- On June 11, 2021, Ms. Aldaco had the "gender-affirming" surgery, using the Wood Letter to satisfy the surgery center's prerequisites.
- On May 9, 2023, Ms. Aldaco sent Wood and Three Oaks Counseling Group, LLC, d/b/a Thriveworks (the "Wood Defendants") written pre-suit notice of her healthcare liability claims.
- On July 21, 2023, Ms. Aldaco filed suit against the Wood Defendants for negligence and gross negligence based on the Wood Letter. Ms. Aldaco later amended her petition, adding fraud claims.

Aldaco, 2024 WL 4849743, at *1–2.

The Second Court of Appeals held that Ms. Aldaco's allegations "trac[e] back to a single ascertainable event: Wood's preparation and

provision of the February 22, 2021 recommendation letter." *Id*. at *8–9. According to the court of appeals, Ms. Aldaco's reliance on the legal injury rule "ignores the controlling statute," section 74.251(a) of the TMLA, which requires claims like hers to be "'filed within two years [(a)] from the occurrence of the breach or tort,' or if that date is not ascertainable, '[(b)] from the date the medical or health care treatment that is the subject of the claim or the hospitalization for which the claim is made is completed.'" TEX. CIV. PRAC. & REM. CODE ANN. § 74.251(a); *Aldaco*, 2024 WL 4849743, at *6–7. That court went on to state that even assuming "that the Wood Defendants' tortious conduct did not cause any compensable damage until [Ms. Aldaco] underwent surgery, the Act nonetheless controls the limitations start date for her health care liability claims." *Aldaco*, 2024 WL 4849743, at *8.

SUMMARY OF THE ARGUMENT

All fraud and TMLA causes of action require injury. This is undoubtedly a fundamental judicial principle—an injured person may seek redress from a court of competent jurisdiction if she has suffered a compensable injury. Yet the court of appeals unraveled decades of precedent and gutted this basic tenet when it concluded that Ms. Aldaco

should have sued the Wood Defendants within two years of February 22, 2021, "even if" the Wood Letter did not cause her any "compensable damage until she underwent surgery."

Citing section 74.251 of the TMLA, the court of appeals concluded that February 22, 2021, was the accrual date for Ms. Aldaco's claims because that is the date Wood "penned and provided the allegedly tortious recommendation letter." *Id.* at *8. The court of appeals did not conclude that an injury occurred on February 22, 2021, nor did the Wood Defendants argue, much less conclusively establish an injury occurred on such date, but nevertheless the court reasoned that Ms. Aldaco had to sue within two years of the Wood Letter, even though she had suffered no injury as of that date. This makes no sense. The TMLA requires health care liability claims to be brought within two years of the tort—a tort requires a legal injury. Indeed, when a Legislature uses a word, like "tort," the "old soil" comes with it; a tort has never been complete until it produces harm. While the Wood Letter was a wrongful act, that act must cause a legally compensable injury, and it did so—but not until June 11, 2021—when Ms. Aldaco relied upon the Wood Letter to have permanently disfiguring surgery.

Further, Ms. Aldaco did not have standing—a constitutional requirement—to sue prior to June 11, 2021, because before that date, she merely had possession of a fraudulent and negligently drafted letter. The court of appeals' rationale requires plaintiffs to sue for a wrongful act regardless of when or even if that wrongful act ever causes an injury. If an attorney wrote a letter containing faulty legal advice to a client, gave the letter to the client, but the client never relied upon the letter and never acted on the faulty legal advice, what injury would the client have suffered? None. Similarly, contemplate this scenario: a doctor writes a prescription for a patient and the doctor knows that the patient is allergic to the prescribed medication. Clearly a negligent act. But what if the patient never takes the pill? What harm has she suffered from the negligently drafted prescription? None.

Ms. Aldaco's case is no different here. She received advice, encouragement, and endorsement from a mental health professional, recommending that she have a double mastectomy; if she had never had surgery, what injury could she have sued the Wood Defendants for? Had she sued prior to relying on the letter and having surgery, the Wood Defendants would have then argued, likely successfully, that Ms. Aldaco

had no standing because she had not yet been injured. Either way, the Wood Defendants would have been able to seek dismissal of Ms. Aldaco's claims. The purpose of the TMLA is to root out frivolous claims, not to deprive legitimately injured plaintiffs like Ms. Aldaco of their constitutional right to their day in court.

The court of appeals also erred in granting summary judgment because the Wood Defendants failed to conclusively establish every element of their defense. The Wood Defendants have consistently relied on the date of the Wood Letter as the accrual date, but they never established that Ms. Aldaco was injured on such date. To be entitled to summary judgment, the Wood Defendants had to establish that the accrual date of Ms. Aldaco's claims, including her date of injury and what that injury was, fell outside the statute of limitations period of the TMLA. They failed to do so and, therefore, summary judgment was improper.

Finally, the court of appeals considered section 74.251(a), but it failed to consider the plain language of section 74.251(b), a statute of repose, which ensures all claims under the TMLA are brought within ten (10) years of the act or omission giving rise to the claim. The statute must be considered as a whole and not piecemeal. Section 74.251(b) confirms

the legislature did not intend all claims to be filed within two years of an act because it provides a ten-year statute of repose to bring claims. Under subsection (b), Ms. Aldaco could have relied on the Wood Letter and had surgery years later and still filed suit against the Wood Defendants. But the court of appeals required Ms. Aldaco to sue within two years of a wrongful act, holding that Ms. Aldaco's claims starting accruing before she had suffered a tort, summarily abrogating both the legal injury rule and the standing doctrine and misinterpreting the TMLA, detrimentally altering the rights of a plaintiff in Texas to bring a legitimate cause of action for personal injury resulting from medical malpractice.

ARGUMENT AND AUTHORITIES

I. The Second Court of Appeals erred in measuring the statute of limitations from the date of the Wood Letter rather than the date Ms. Aldaco relied on the letter and suffered a legal injury.

Section 74.251 of the Civil Practice & Remedies Code sets forth the statute of limitations for "health care liability claims." As relevant here, it provides a two-year limitations period that runs from one of two events: (1) "the occurrence of the breach or tort . . . that is the subject of the claim," or (2) "the date the medical or health care treatment that is the subject of the claim of the hospitalization for which the claim is made is

completed." TEX. CIV. PRAC. & REM. CODE §74.251(a). The Legislature's use of the word "tort" in the statute incorporates longstanding principles of tort law. When a Legislature "transplants a common-law term, the 'old soil' comes with it." *United States v. Hansen*, 599 U.S. 762, 778 (2023) (some internal quotations omitted); *see also Paxton v. Am. Oversight,* __ S.W.3d __, 2025 WL 1793117, at *3 (Tex. 2025). Therefore, to calculate the limitations period under §74.251, the Court must first determine when the relevant "tort" has "occurre[d]." This determination turns on the particular tort at issue.

Here, Ms. Aldaco first brings a health care liability claim, a claim for negligence. "The elements to recover damages for negligence are (1) the existence of a duty on the part of the defendant to protect the plaintiffs from the injury complained of, and (2) *an injury* to the plaintiff from the defendant's failure." *Negligence,* BLACK'S LAW DICTIONARY (12th ed. 2024) (emphasis added); *see also Elephant Ins. Co., LLC v. Kenyon,* 644 S.W.3d 137, 144 (Tex. 2022) ("The elements of a common-law negligence claim are (1) a legal duty; (2) breach of that duty; (3) and damages proximately resulting from that breach.") Therefore, the tort of negligence has not "occurre[d]" under §74.251(a) until the elements of

negligence—including proof of an *injury*—are satisfied.

Indeed, *no tort* occurs until the tortfeasor causes an injury. As the United States Supreme Court has held, "[c]ausation in fact—*i.e.*, proof that the defendant's conduct did in fact cause the plaintiff's injury—is a standard requirement of any tort claim." *See University of Tex. Sw. Med. Ctr. v. Nassar*, 570 U.S. 338, 346 (2013) (citing, among other examples, Restatement of Torts § 281(c) (1934), analyzing "negligence"). Black's Law Dictionary similarly confirms that "[t]ortious conduct" generally comes in four types—*all* of which lead to "harm." *Tort,* BLACK'S LAW DICTIONARY (12th ed. 2024).

There is nothing in the statute indicating that the TMLA displaces the long-standing legal injury rule, nor is there any precedent to support the court's abrogation of this well-settled principle that a claimant must have an injury before seeking redress from a court to compensate for that injury. A legal injury occurs at the first point from which a party may seek a judicial remedy. *Houston Water Works v. Kennedy*, 8 S.W. 36 (Tex. 1886). This is the point when the tort complained of is complete—when facts supporting each element of the cause of action come into existence, including damages. *See Atkins v. Crossland*, 417 S.W.2d 150, 153 (Tex.

1967) (cause of action for negligence accrued at the time plaintiff first suffered damages). "A legal injury must be sustained, *of course*, before a cause of action arises." *Id.* (emphasis added). "[A] cause of action accrues only when the force wrongfully put in motion produces injury . . ." *Id.* (citing 34 Am. Jur. Limitations of Actions § 160, p. 126). Indeed, a cause of action only accrues when damages are sustained; "this is true although at the time the [wrongful] act is done it is apparent that injury will inevitably result." *Id.* (citing 54 C.J.S. Limitations of Actions § 168, p. 122–23).

Here, the Second Court of Appeals failed to construe §74.251(a) in light of the common-law "soil" that the Texas Legislature transplanted into the statute. *Hansen,* 599 U.S. at 778. First, the court of appeals suggested Ms. Aldaco was contending that "the statute's plain language should take a backseat to the legal-injury rule." *Aldaco*, at *8. To the contrary, the "legal-injury rule" is in the statute's plain language—it's the soil: specifically, it follows from the Legislature's decision to tie the two-year limitations period to the "occurrence" of "the tort" at issue. Because there can be no tort (negligence or otherwise) without a legal injury, the two-year limitations period does not run until the victim

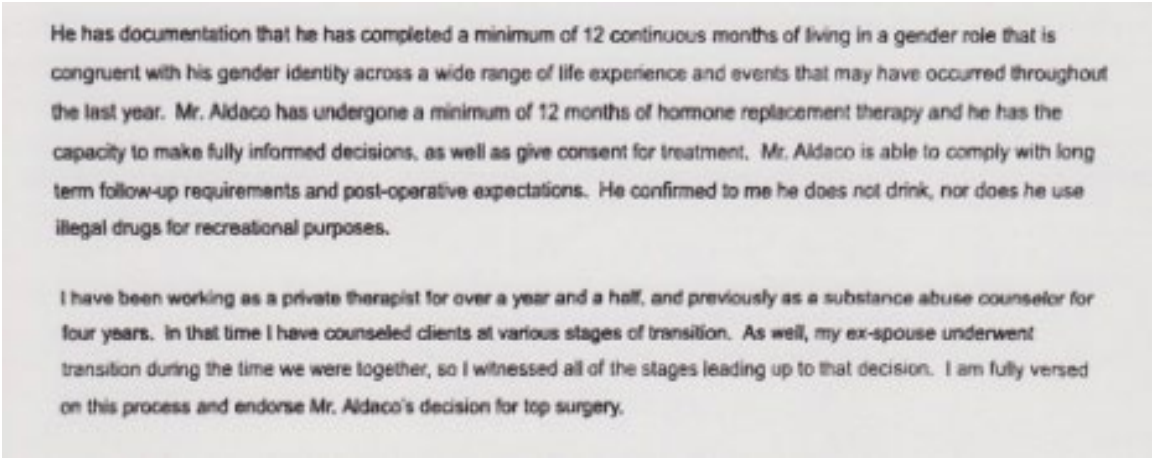
satisfies all the elements, including the injury.

This is not to say, as the court below suggested, Ms. Aldaco is asking the Court to import a "discovery rule" into §74.251(a). The "common-law 'discovery rule'" is the principle "under which a limitations period begins when the plaintiff discovers (or reasonably should have discovered) the injury giving rise to the claim." *Intel Corp. Inv. Policy Comm. v. Sulyma,* 589 U.S. 178, 185 n.4 (2020) (emphasis and internal quotations omitted); *see also Discovery Rule*, BLACK'S LAW DICTIONARY (12th ed. 2024) (same definition). Ms. Aldaco does not contend that the limitations period in §74.251(a) begins running only when a plaintiff "discovers . . . the injury giving rise to the claim." *Sulyma*, 589 U.S. at 185 n.4. Instead, she contends there *must be an injury* before the limitations period begins to run.

But here, again, the Second Court of Appeals held that even if the Wood Letter caused Ms. Aldaco no compensable injury until the date of her surgery, the TMLA accrual date controls and that date was the date Wood penned the letter. The court reasoned that the TMLA "conclusively displaced the default legal-injury rule," and in doing so ignored well-settled principles of Texas law. *Aldaco*, at *3 & fn 9.

A. A legal injury is a prerequisite for every fraud and TMLA cause of action.

Here is Wood's surgical endorsement on February 22, 2021 (the complete Wood Letter is attached as Exhibit A):



He has documentation that he has completed a minimum of 12 continuous months of living in a gender role that is congruent with his gender identity across a wide range of life experience and events that may have occurred throughout the last year. Mr. Aldaco has undergone a minimum of 12 months of hormone replacement therapy and he has the capacity to make fully informed decisions, as well as give consent for treatment. Mr. Aldaco is able to comply with long term follow-up requirements and post-operative expectations. He confirmed to me he does not drink, nor does he use illegal drugs for recreational purposes.

I have been working as a private therapist for over a year and a half, and previously as a substance abuse counselor for four years. In that time I have counseled clients at various stages of transition. As well, my ex-spouse underwent transition during the time we were together, so I witnessed all of the stages leading up to that decision. I am fully versed on this process and endorse Mr. Aldaco's decision for top surgery.

Wood states that she is "fully versed on this process" because her own husband went through the same transition and "endorse[s] Mr. Aldaco's decision for top surgery." The purpose of the letter is clear: to endorse and even encourage Ms. Aldaco to have "gender affirming" surgery. The letter is riddled with falsehoods, but absent surgery, what is the harm? The harm only comes with reliance on the negligent endorsement and fraudulent letter by undergoing permanently disfiguring surgery—that is when the injury occurred.

Fraud requires reliance.[1] *See, e.g., Grant Thornton LLP v. Prospect High Income Fund*, 314 S.W.3d 913, 923 (Tex. 2010) (op. on reh'g) (stating fraud and negligent misrepresentation require a showing of actual and justifiable reliance); *Schlumberger Tech. Corp. v. Swanson*, 959 S.W.2d 171, 181 (Tex. 1997) (explaining fraud by nondisclosure is a subcategory of fraud and that because reliance is an element of fraud, it is likewise an element of fraud by nondisclosure); *BP Am. Prod. Co. v. Zaffirini*, 419 S.W.3d 485, 506 (Tex. App.—San Antonio 2013, pet. denied) (stating that like common-law fraud, fraud by nondisclosure includes the element of justifiable reliance). Justifiable reliance usually presents a fact question for a jury to decide. *Barrow-Shaver Res. Co. v. Carrizo Oil & Gas, Inc.*, 590 S.W.3d 471, 497 (Tex. 2019) (citing *JPMorgan Chase Bank, N.A. v. Orca Assets G.P., L.L.C.*, 546 S.W.3d 648, 654 (Tex. 2018)).

As previously established above, and like common law fraud, the TMLA and case law are clear with respect to health care liability claims:

[1] Ms. Aldaco asserted common law fraud claims against the Wood Defendants, but those claims were also dismissed by the trial court even though the Wood Defendants' motion for summary judgment never raised the fraud claims as part of that motion. The appellate court found this to be harmless error. *Aldaco*, at *11-12. But a trial court cannot grant summary judgment on grounds which were not included in the motion. *See Johnson v. Brewer & Pritchard, P.C.*, 73 S.W.3d 193, 204 (Tex. 2002) (finding summary judgment improper as to a breach of fiduciary duty claim when that claim was not presented in the motion); *Chessher v. Sw. Bell Tel. Co.*, 658 S.W.2d 563, 564 (Tex. 1983) ("It is axiomatic that one may not be granted judgment as a matter of law on a cause of action not addressed in a summary judgment proceeding."). A motion for summary judgment "shall state the specific grounds therefor." TEX. R. CIV. P. 166a(c).

a tort is required. And a tort is not merely an act or omission, it requires damages. *See, e.g., Doe v. Boys Clubs of Greater Dallas, Inc.*, 907 S.W.2d 472, 477 (Tex. 1995); *Western Investments, Inc. v. Urena*, 162 S.W.3d 547, 550 (Tex. 2005) (defining the elements of a negligence claim as duty, breach of that duty, and damages proximately caused by the breach).

And so, as to Ms. Aldaco's fraud claims and health care liability claims, each such claim was not complete, indeed—did not exist—until Ms. Aldaco relied on the Wood Letter, a prerequisite for the June 11, 2021 double mastectomy. Because the Crane Clinic required such a letter prior to surgery, Wood knew that Ms. Aldaco and others would, in the future, rely on the letter for the surgery. Appellant's Br. at p.4. On that date, and not at any point before such date, Ms. Aldaco suffered grievous bodily injury. Ms. Aldaco's causes of action simply were not complete until she suffered an injury; a wrongful act, without any injury, is not enough.

1. A plaintiff must have a legal injury.

Forcing a plaintiff to sue before an injury occurs, as the Second Court of Appeals' decision requires here, creates a legal absurdity; instead, Texas courts follow the legal injury rule. *See, e.g., Swift Energy Operating, LLC*, 622 S.W.3d at 814 (applying the legal injury rule and

collecting cases in footnotes 6 through 8). Under the legal injury rule, the accrual date, and thus the statute of limitations start date, begins no earlier than the date on which the legally cognizable injury manifests. *Id.; see also Parker v. Yen*, 823 S.W.2d 359, 363–64 (Tex. App.—Dallas 1991, no writ) (when medical negligence resulted in the first injury occurring after the negligent act, the cause of action accrued at the time of injury, not at the time of the negligent act).

Texas law is well-settled concerning how courts should determine an accrual date. Simply put, in Texas, the cause of action accrues when a wrongful act causes some injury. *Robinson v. Weaver*, 550 S.W.2d 18, 19 (Tex. 1977). In many cases, the wrongful act itself constitutes an invasion of a plaintiff's legally protected rights or interests, and the cause of action will be deemed to have accrued simultaneously with the wrongful act, *but* when, as here, "the [wrongful] act was not a legal transgression, then the claim arises when an actual injury results." *Upjohn Co. v. Freeman*, 885 S.W.2d 538, 542 (Tex. App.—Dallas 1994, writ denied) (citing *Atkins v. Crosland*, 417 S.W.2d 150, 153 (Tex. 1967)).

Upjohn is instructive. In that case, a consumer brought a product liability and negligence action against a sleeping pill manufacturer,

alleging that his ingestion of pills caused him to become psychotic and ultimately to commit murder. *Id*. at 540–41. Upjohn, the manufacturer, asserted the affirmative defense of limitations. *Id*. The Dallas Court of Appeals recognized that the wrongful act was the negligent sale of the sleeping pills in a defective condition, but the court clarified that the negligent conduct became actionable only when the patient used the pills in a manner that caused him injury. *Id*. at 542. And while *Upjohn* involved the possession of negligently manufactured pills, the legal injury rule is similarly applicable when a negligent or fraudulent letter is the instrument of injury.

In *M.D. Anderson Cancer Ctr. v. Novak*, 52 S.W.3d 704 (Tex. 2001), Novak, the plaintiff, brought claims based on a fraudulent letter he received from MD Anderson that solicited donations. But because Novak never donated to MD Anderson, he never suffered any injury. *Id*. at 706. In other words, he never relied on the letter. In considering whether he had been legally injured, the Court determined the plaintiff had no standing and no claim until he relied on that letter to cause him injury. *Id.* at 708.

Just as in *Upjohn*, Wood's negligent actions did not become

actionable until Ms. Aldaco used the fraudulent Wood Letter in a manner that caused her injury, namely, by relying on it to gain the approval of the Crane Clinic for the double mastectomy. And unlike *Novak*, where the plaintiff did not rely on the fraudulent letter, Ms. Aldaco did just that when she relied on it as the prerequisite for the June 11, 2021, double mastectomy. Ms. Aldaco had no claim until she suffered a legal injury, and in fact no tort had occurred until such time.

2. A wrongful act is not enough.

The court of appeals calculated the limitations date from the date of an *act*, the authoring of the Wood Letter, rather than from the date of the tort. But the statute of limitations runs from the date a defendant's wrongful conduct causes a legal injury, only then giving the claimant the right to seek a judicial remedy. *See, e.g., Regency Field Svcs., LLC v. Swift Energy Operating, LLC*, 622 S.W.3d 807, 814 (Tex. 2021). The legal injury rule cannot be "displaced;" Ms. Aldaco's claims could not possibly have accrued prior to her injury. Here, Appellees championed February 22, 2021—the date on which Wood authored the Wood Letter—as the only accrual date for Ms. Aldaco's causes of action. But as explained in *Upjohn* and *Novak*, it would have been a legal impossibility for Ms. Aldaco to

bring a lawsuit on February 22, 2021, because no claim had accrued on which she had standing to sue. Indeed, just as the mere possession of the pills (in *Upjohn*) and possession of the fraudulent letter (in *Novak*) caused no legal injury until used or acted on in a manner that caused injury, the Wood Letter did not cause Ms. Aldaco any injury until she used it to gain the approval of the Crane Clinic to perform the injurious double mastectomy on June 11, 2021.

The court of appeals' decision requires plaintiffs to sue based on an *act or omission*, regardless of whether that act or omission has caused injury, changing the fundamental nature of long-standing tort law. In fact, the court of appeals states "even if we assume, as Aldaco contends, that the Wood Defendants' tortious conduct did not cause any compensable damage until she underwent surgery, the [TMLA] nonetheless controls . . ." *Aldaco*, 2024 WL 4849743, at *3. But what could Ms. Aldaco possibly have sued for if she had no "compensable damage"? She had no standing until she suffered an injury in fact—a concrete injury, not a hypothetical one, that can be redressed by the relief requested. *Heckman v. Williamson Cty.,* 369 S.W.3d 137, 155 (Tex. 2012). The court of appeals simply disregards the need for compensable legal

injury, which is contrary to well-settled judicial precedent. *See, e.g., Johnson v. Sovereign Camp., W.O.W.*, 83 S.W.2d 605, 608 (Tex. 1935), *overruled on other grounds, Doctors Hosp. Facilities v. Fifth Court of Appeals,* 750 S.W.2d 177 (Tex. 1988) (stating actual injury is a required element of any negligence claim and "[a]n action for negligence cannot be maintained unless some damages result therefrom.")

The court of appeals relies on *Husain* and *Bala* in support of its holding that the date of the Wood Letter is the ascertainable date for the accrual of Ms. Aldaco's claims. *Aldaco*, 2024 WL 4849743, at *9. But these cases are not at all like Ms. Aldaco's because each such failure caused immediate injury.

In *Husain*, the plaintiff visited her doctor on two separate dates: on January 25, 1990, when she was apparently misdiagnosed with fibrocystic disease rather than cancer, and on September 26, 1991, when she saw her doctor regarding another breast complaint, but the doctor ordered no further testing. *Husain v. Khatib*, 964 S.W.2d 918, 919 (Tex. 1998). The plaintiff's chief complaint was that her doctor was negligent because he failed to do mammograms, make referrals to specialists, and conduct proper breast examinations *on those specific dates*, and those

additional steps would have led to earlier discovery of her cancer. *Id*. at 920. The misdiagnosis and failure to diagnose specifically occurred on the two appointment dates and the damage, likewise, occurred on those dates because plaintiff asserted she was damaged by the doctor's failure to make an earlier diagnosis on such dates. *Id*.

Bala is another failure to diagnose case in which this Court held that when a doctor fails to diagnose a condition, "the continuing nature of the diagnosis does not extend the tort for limitations purposes." *Bala v. Maxwell*, 909 S.W.2d 889, 892–93 (Tex. 1995). In *Bala*, the doctor examined the plaintiff in 1987 and failed to order additional tests even though a biopsy report indicated malignancy could not be ruled out. *Id*. at 891. Again, the alleged negligence turned on the failure to take an action otherwise required by the applicable standard of care. This Court reasoned that negligence could have only occurred in 1987 because at a 1989 appointment, the doctor did order additional testing. *Id*. at 892. The damage occurred in 1987 because the plaintiff could have received medical treatment much earlier had the doctor properly diagnosed her condition then.

Such failures to diagnose a patient are fundamentally different

than the facts here because each such failure to take action caused immediate harm, rather than the delayed injury at play in Ms. Aldaco's case. This case is nothing like *Husain* and *Bala*, because the Wood Letter did not cause harm until June 11, 2021. In each of *Husain* and *Bala*, the failure to diagnose cancer caused immediate harm—indeed, harm on that very day because every minute matters when a patient has cancer. The wrongful act immediately causes damage by preventing a patient from promptly seeking early treatment or interventions for a potentially deadly disease. In this case, however, the entire purpose of the Wood Letter was to encourage and support Ms. Aldaco's "gender-affirming" surgery at some date in the future.

This case is more like *Upjohn* and *Novak*, since Ms. Aldaco had possession of something that was negligently and fraudulently drafted, but the mere possession of it caused her no harm until she acted upon the letter and had surgery on June 11, 2021. Indeed, a wrongful act is not enough, and the court of appeals' misguided deference to the TMLA summarily disregards well-settled Texas law.

B. The court of appeals' interpretation of the TMLA is unconstitutional because Ms. Aldaco had no standing prior to June 11, 2021.

The court of appeals' decision unconstitutionally deprives litigants, like Ms. Aldaco, of their day in court by forcing them to sue prior to having an injury. This could not have possibly been the intent of the TMLA. The intent of the TMLA was to reduce the frequency and severity of healthcare claims "in a manner that [would] not unduly restrict a claimant's rights." Act of June 2, 2003, 78th Leg., R.S., ch. 204, § 10.11(b)(1)–(3), Tex. Gen. Laws 847, 884. The court of appeals' interpretation of the TMLA here is unconstitutional.

Here, the court of appeals has unduly restricted Ms. Aldaco's rights by forcing her to sue absent standing. This makes no sense. This error of law must be corrected by this Court to prevent other claimants with valid claims from losing those claims when they rely on advice from a medical professional at some later date, well after that advice was provided.

Ms. Aldaco is not applying the discovery rule or some other limitations-tolling provision[2]; the legal injury rule *always* applies to *every* tort claim. *See Heckman v. Williamson County*, 369 S.W.3d 137, 150 (Tex.

[2] Ms. Aldaco does, however, assert that she gave proper notice under TMLA to toll the limitations period for 75 days. *Aldaco*, at *1 and fn4.

2012) (standing is a constitutional prerequisite to suit). The "Constitution opens the courthouse doors only to those who have or are suffering an injury." *Id.* at 154.

Ms. Aldaco's injuries occurred when she relied upon the Wood Letter, which contained falsities and misinformation that went uncorrected by the Wood Defendants, and as a result she suffered irreversible harm from the unnecessary double mastectomy. CR 229. If the TMLA defines "accrual" of a plaintiff's claims from the date of the "tort," it follows that all the elements of that tort must have occurred: duty, breach, cause, *and* harm.

As of the date of the letter, Ms. Aldaco and other health professionals had not yet relied on Wood's false and negligent statements to permanently disfigure Ms. Aldaco's body.[3] But even worse, the Wood Letter went beyond establishing therapeutic reasons for the surgery; it encouraged Ms. Aldaco to have surgery by listing her purported desires, her purported struggles with gender identity, and even comparing Ms.

[3] As discussed above, the court of appeals wrongfully dismissed Ms. Aldaco's fraud claims. To bring a fraud claim a party must prove reliance on false statements and injury. *See, e.g., DeSantis v. Wackenhut Corp.*, 793 S.W.2d 670 (Tex. 1990) (stating the elements of a fraud claim). There is no evidence of reliance and injury until Ms. Aldaco relied on the Mastectomy Letter on June 11, 2021, the date of her surgery.

Aldaco's situation to that of Wood's own husband. *See* Exhibit A. To then deprive Ms. Aldaco of the right to file a suit from the date of the encouraged surgery is illogical and a denial of due process. The court of appeals' error in altering the TMLA to require a plaintiff to sue within two years of *an act or omission* rather than within two years of the tort amounts to a grave misinterpretation of statutory and case law and severely impacts claimants' rights to sue under the TMLA.

The court of appeals expressly states that even if Ms. Aldaco had no "compensable injury," she should have sued when she received the Wood Letter. *Aldaco*, 2024 WL 4849743, at *3. But the law requires an injury in fact—a concrete injury, not a hypothetical one—that can be redressed by a court. *Heckman*, 369 S.W.3d at 155.

Although this specific issue—whether the TMLA abrogates the legal injury and standing rules, requiring plaintiffs to sue based on an act or omission rather than an injury—is an issue of first impression for this Court, the Court has decided similar issues, and that jurisprudence should control here. In *Novak*, the plaintiff brought claims based on a fraudulent solicitation donation letter he received from the defendants. *M.D. Anderson Cancer Ctr. v. Novak*, 52 S.W.3d 704, 707–08 (Tex. 2001).

In considering whether the plaintiff had been legally injured, this Court determined the plaintiff had no standing, regardless of whether the letter was false, because he had never relied upon the letter, having never made a donation, and was, therefore, never defrauded. *Id*. at 707–08.

In *Atkins*, this Court determined that the correct date for limitations in an accounting malpractice case was not the date the accountant completed the plaintiff's taxes, but rather the date the IRS assessed a tax deficiency against him because that was when the tort was complete. *Atkins v. Crosland*, 417 S.W.2d 150 (Tex. 1967). This Court reasoned that in the absence of an assessment, no injury would have occurred. *Id*. at 153.

In *Rivera*, Rivera used Duract, a prescription painkiller manufactured by Wyeth. *Rivera v. Wyeth-Ayerst Labs.*, 283 F.3d 315, 316–317 (5th Cir. 2002). Wyeth advised that the drug should not be used for more than ten days and not by anyone with preexisting liver conditions. *Id*. at 316–17. Over the course of a year, before Wyeth voluntarily withdrew Duract from the market, twelve users reportedly suffered liver failure. *Id*. at 317. Eleven of them had used the drug for more than ten days, and the twelfth had a history of liver disease. *Id*.

Although Rivera suffered no harm herself, she sued for a refund on behalf of all other users of the drug who also had not been harmed, alleging that the product was defective. *Id*. at 317, 19–20. The court concluded that the kind of injury Rivera alleged did not give her standing to sue. *Id* at 321–22. In fact, in *Rivera*, the injury was not just a matter of time; "the injury might never happen." *DaimlerChrysler Corp. v. Inman*, 252 S.W.3d 299 (Tex. 2008) (discussing *Rivera* at length). Mere possession of the drug was not enough. Taking the alleged defective drug was not enough. The court required injury.

Similarly, possession of the Wood Letter was not enough—even if the letter was false. Through the Wood Letter, the Wood Defendants intended to support and even encourage Ms. Aldaco's surgery even though they had never thoroughly researched or treated her purported gender identity issues. Appellant's Br. at p. 3–4 (citing to the clerk's record showing that Wood's sessions with Ms. Aldaco focused on relationship issues with her then partner, not gender dysphoria). In fact, the Wood Defendants do not challenge that the purpose of the Wood Letter was to effectuate surgery, and surgery did not occur until June 11, 2021. *See* Appellant's Br. at p. 17. Had Ms. Aldaco not relied on that letter

to satisfy the prerequisites and have "gender-affirming" surgery, the injury may never have happened. Thus, Ms. Aldaco had no standing to sue until she relied on the letter on June 11, 2021.

Unlike the plaintiff in *Novak*, Ms. Aldaco relied on the Wood Letter and suffered harm. And just as in *Atkins*, the proper accrual date for Ms. Aldaco was the date of the injurious double mastectomy, the equivalent of the IRS tax deficiency assessment. And finally, just like *Rivera*, Ms. Aldaco's injury "might [have] never happen[ed]," but because it did when she relied on the Wood Letter, her claims accrued as of the date of the double mastectomy.

The legal injury rule is not an exception to the statute of limitations; neither is it a tolling provision—it is a constitutional prerequisite for filing a lawsuit, and Ms. Aldaco had no compensable injury for which to sue when Wood wrote that letter. Without an injury creating standing, the limitations period could not have begun until June 11, 2021, and, considering the TMLA 75-day tolling provision, Ms. Aldaco's suit was timely filed. The court of appeals' conclusion that Ms. Aldaco was required to file suit within two years of the date of the Wood Letter is absurd, unconstitutional, and does not comport with this Court's well-

settled legal precedent.

II. The Second Court of Appeals erred in affirming summary judgment when the Wood Defendants failed to conclusively prove each element of their defense.

The Wood Defendants' entire summary judgment motion was premised upon their assertion that the Wood Letter was drafted on February 22, 2021, and that date, therefore, is the accrual date for Ms. Aldaco's claims. But that is simply not enough to conclusively establish that they are entitled to summary judgment. The Wood Defendants had to conclusively establish *all* essential elements of their defense—not just that a letter was drafted on some undisputed date—but that the letter caused the injury on that date. *Appellees* had the burden of proving the date Ms. Aldaco was injured. And, after Ms. Aldaco raised the legal injury rule, they bore the burden of addressing it. *See Draughon v. Johnson*, 631 S.W.3d 81, 88–89 (Tex. 2021). Indeed, in *Corner Post*, the United States Supreme Court discusses the "standard" or "traditional" *accrual* rule that "the limitations period commences when the plaintiff has a complete and present cause of action." *Corner Post, Inc. v. Bd. of Govs. of Fed. Reserve Sys.*, 603 U.S. 799, 811 (2024)

But the Wood Defendants have never responded to Ms. Aldaco's

assertion of the legal injury rule. They ignored Ms. Aldaco's argument that because she did not suffer a legal injury until June 11, 2021, she did not have a "complete and present cause of action" until such date, and her claims could not have accrued until then. *See id.* In fact, they failed to argue that Ms. Aldaco sustained any injury by virtue of her possession of the Wood Letter as of February 22, 2021. Instead, they have consistently defaulted to arguing against the discovery rule in this case—a rule Ms. Aldaco has never argued is applicable. Appellee's Br. at p.10 (Appellees equating the legal injury rule with the discovery rule). The discovery rule is not the same as the traditional concept of accrual. Under the discovery rule, the limitations period is tolled until a plaintiff could discover an injury that exists but is in some way latent. *See, e.g., S.V. v. R.V.*, 933 S.W.2d 1, 4 (Tex. 1996) ("The discovery rule delays accrual until the plaintiff knew or in the exercise of reasonable diligence should have known of the wrongful act and resulting injury."). But here, Ms. Aldaco had no injury to discover until she had surgery. Ms. Aldaco is not asserting she did not *know* of her injury until June 11, 2021; she is asserting there *was no* injury until June 11, 2021—an assertion the Wood Defendants have never controverted.

The Wood Defendants have overlooked the legal injury rule in every court filing. The *movant* bears the burden regarding any issues raised that would affect the running of limitations. *Draughon*, 631 S.W.3d at 87–89. If a non-movant, like Ms. Aldaco, raises any issue affecting the limitations period—like the legal injury rule—the movant must either conclusively negate that issue or show that the summary judgment evidence conclusively negates that issue. *Id*. at 90.

Here, the movant never attempted to negate the legal injury rule. Moreover, the movant never conclusively established the date of Ms. Aldaco's injury or offered conclusive evidence as to how Ms. Aldaco suffered an injury by the mere possession of the Wood Letter. These failures, at the very least, resulted in a remaining genuine issue of material fact, which, at the trial court level, should have defeated the Wood Defendants' motion for summary judgment. The repeated mantra of the Wood Defendants is merely "date of the letter, date of the letter." But that date is irrelevant if the letter caused no injury. Again, there is no tort absent injury, so, following that logic, the Wood Defendants did not merely have to establish the date of a letter or the date of a wrongful act but that the date of the *injury* occurred, and therefore the complete

and present cause of action accrued, outside the limitations period. Likewise, the court of appeals did not explain how the Wood Letter caused injury, nor did it conclude that an injury occurred on the date of the letter. The court of appeals, like the Wood Defendants, merely recited the date of the letter and moved on, skipping any analysis of what injury occurred and, most importantly, when the damage occurred.

III. The Second Court of Appeals misinterpreted the TMLA and rendered subsection (b) of section 74.251 meaningless, unduly restricting Ms. Aldaco's rights to her meritorious claims.

Section 74.251 (b) states as follows:

> A claimant must bring a health care liability claim not later than 10 years after the date of the act or omission that gives rise to the claim. This subsection is intended as a statute of repose so that all claims must be brought within 10 years or they are time barred.

Subsection (b) makes it clear that the legislature did not intend to apply a blanket two-year statute of limitations on any claims arising under the TMLA. The express language of section 74.251 not only requires a tort, indeed a complete and present cause of action, which requires damages as discussed above, but subsection (b) contemplates that a claim may be brought up to ten (10) years from the date of an act or omission.

Subsection (b) contemplates a situation just like this one, where the "act or omission"—the Wood Letter—causes an injury later, the claim is not barred by the two-year limitations period. Here, Wood's letter was undoubtedly an "act or omission," but the tort was complete only when Ms. Aldaco relied upon the letter to have permanently disfiguring surgery on June 11, 2021.

"[A] ten-year repose period has no purpose unless the two-year limitations period has exceptions . . .There is no need for repose unless there exists a narrow class of claims that reach beyond the two-year limitations period." *Walters v. Cleveland Reg'l Med. Ctr.*, 307 S.W.3d 292, 298 (Tex. 2010) (analyzing the discovery rule and concluding that treating the two-year statute of limitations as absolute renders the statute of repose meaningless).

"When determining the meaning, intent, and purpose of a law or constitutional provision," courts consider "the evils intended to be remedied," "the good to be accomplished," and "the history of the times out of which [the law or constitutional provision] grew, and to which it may be rationally supposed to bear some direct relationship." *Travelers' Ins. Co. v. Marshall*, 76 S.W.2d 1007, 1012 (1934) (stating these "are

proper subjects of inquiry"). A statute should not be construed in a spirit of detachment, but rather this Court considers the overall purpose of the statute. *Scoresby v. Santillan*, 346 S.W.3d 546, 556–57 (Tex. 2011).

The legislature's stated purpose in enacting the TMLA included "reduc[ing] excessive frequency and severity of health care liability claims," but doing so "in a manner that will not unduly restrict a claimant's rights." Act of June 2, 2003, 78th Leg., R.S., ch. 204, § 10.11(b)(1)–(3), Tex. Gen. Laws 847, 884; *CHCA Woman's Hosp., L.P. v. Lidji*, 403 S.W.3d 228, 232 (Tex. 2013). The TMLA strikes "a careful balance between eradicating frivolous claims and preserving meritorious ones." *Leland v. Brandal*, 257 S.W.3d 204, 208 (Tex. 2008). This Court should construe the TMLA in a way that "does the least damage to the statutory language and best comports with the statute's purpose." *Hebner v. Reddy*, 498 S.W.3d 37, 43 (Tex. 2016) (quoting *Zanchi v. Lane*, 408 S.W.3d 373, 379–80 (Tex. 2013)) (applying sections 74.051 and 74.353 of TMLA). Further, "there are constitutional limitations upon the power of courts to dismiss an action without affording a party the opportunity for a hearing on the merits of [her] cause, and those limitations constrain the Legislature no less in requiring dismissal."

Scoresby, 346 S.W.3d at 554.

The Second Court of Appeals analyzed the statute of limitations in a vacuum, without considering whether a tort had even occurred on the date of the Wood Letter and without considering the express language of subsection (b), which permits claims to be brought under the TMLA up to ten (10) years from the date of the act or occurrence. The court of appeals calculated the limitations date from the date of the act, rather than from the date of the completed tort. If the legislature intended to "unambiguously exercis[e] its prerogative to excise any reference to accrual and to establish the limitations start date for health care liability claims" as the court of appeals states, then there would be no need for subsection (b). *See Aldaco*, at *3. Further, the goal of the TMLA is to eradicate frivolous claims, while ensuring that plaintiffs like Ms. Aldaco still have their day in court. *See Lidji*, 403 S.W.3d at 232; *Leland*, 257 S.W.3d at 208.

CONCLUSION AND PRAYER

As discussed above, it makes little sense and there is no precedent to support the court of appeals' opinion that the TMLA erases long-standing constitutional and tort principles like standing and actual harm. This case gives the Court the opportunity to resolve an important

issue of statutory construction that has not yet been addressed by this Court, and to correct an error of long-standing tort and constitutional law that, if allowed to stand, deprives plaintiffs of the ability to bring valid claims against healthcare providers under the TMLA. As such, Petitioner asks this Court to grant her Petition for Review, reverse the judgment of the court of appeals, and remand this case to the trial court in accordance with this Court's opinion. Petitioner requests all other relief to which she is entitled.

July 21, 2025

Respectfully submitted,

/s/ Daniel W. Sepulveda

Daniel W. Sepulveda

CAMPBELL MILLER PAYNE, PLLC
Ronald L. Miller
State Bar No. 24095424
5955 Alpha Rd #1491
Dallas, Texas 75240
(972) 698-5188
ron@cmppllc.com

Daniel Sepulveda
State Bar No. 24100910
5955 Alpha Rd #1491
Dallas, Texas 75240
(214) 316-7156 (telephone)
daniel@cmppllc.com

BARLETTA LAW, PLLC
Natalie Barletta
State Bar No. 24062601
11613 Spring Cypress Rd, Unit G
Tomball, TX 77377
natalie@barletta-law.com

Attorneys for Petitioner Soren Aldaco

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Brief on the Merits was served upon opposing counsel, as follows, on this 21st day of July 2025.

/s/ Daniel W. Sepulveda
Daniel W. Sepulveda

Via e-filing

William H. Chamblee
State Bar No. 04086100
CHAMBLEE RYAN, P.C.
2777 Stemmons Freeway, Suite 1257
Dallas, Texas 75207
(214) 905-2003 (telephone)
(214) 905-1213 (facsimile)
wchamblee@cr.law

Annik L. Morgan Barrios
State Bar No. 24095307
CHAMBLEE RYAN, P.C.
2777 Stemmons Freeway, Suite 1257
Dallas, Texas 75207
(214) 905-2003 (telephone)
(214) 905-1213 (facsimile)
amorgan@cr.law

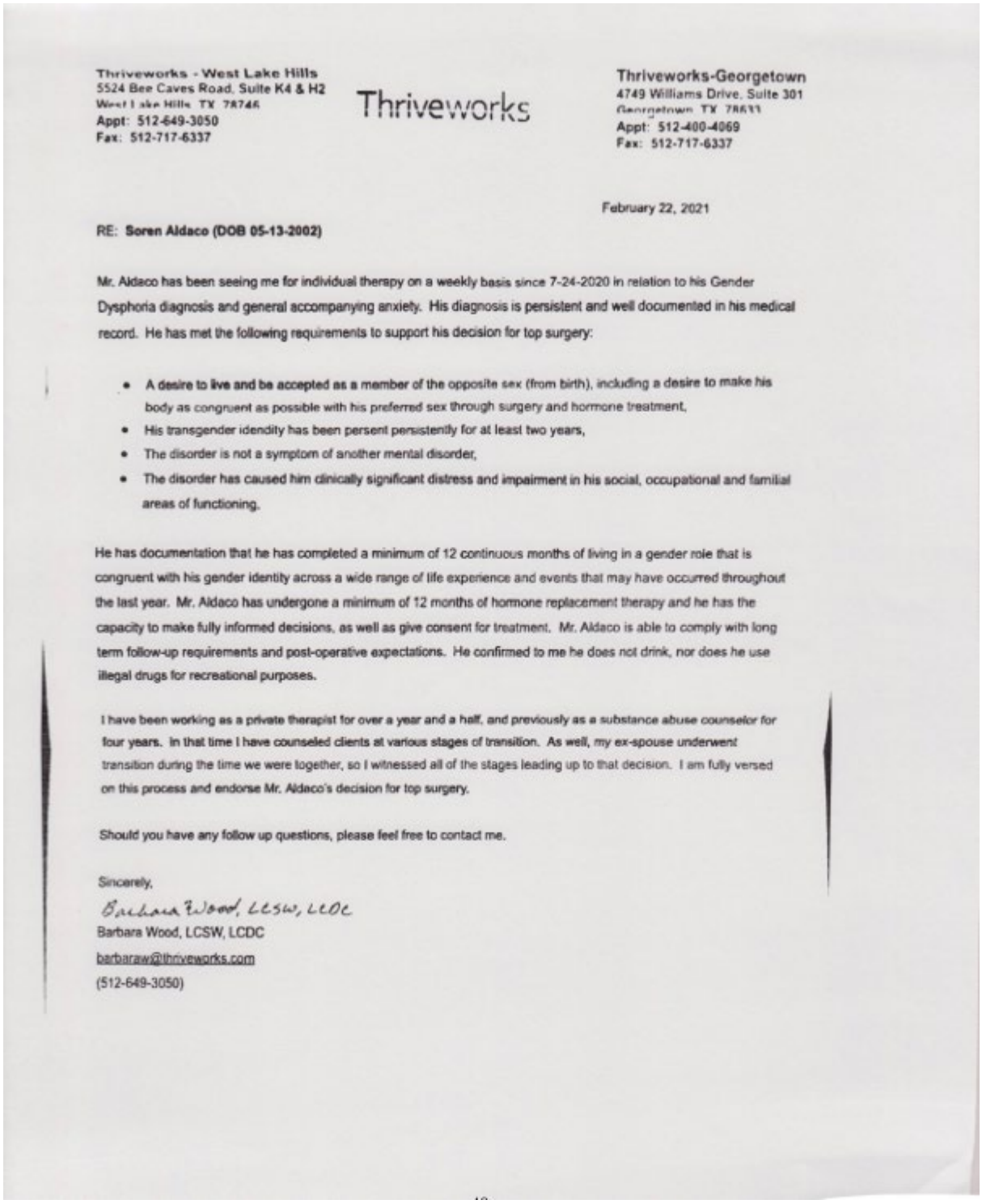
Attorneys for Respondents

CERTIFICATE OF COMPLIANCE

Pursuant to Texas Rules of Appellate Procedure 9.4(2)(D) the undersigned certifies this petition complies with the word limitations of the Texas Rules of Appellate Procedure 9.4(2)(D) in that it contains 7,845 words.

/s/ Daniel W. Sepulveda
Daniel W. Sepulveda

EXHIBIT A



Thriveworks - West Lake Hills
5524 Bee Caves Road, Suite K4 & H2
West Lake Hills, TX 78746
Appt: 512-649-3050
Fax: 512-717-6337

Thriveworks

Thriveworks-Georgetown
4749 Williams Drive, Suite 301
Georgetown, TX 78633
Appt: 512-400-4069
Fax: 512-717-6337

February 22, 2021

RE: **Soren Aldaco (DOB 05-13-2002)**

Mr. Aldaco has been seeing me for individual therapy on a weekly basis since 7-24-2020 in relation to his Gender Dysphoria diagnosis and general accompanying anxiety. His diagnosis is persistent and well documented in his medical record. He has met the following requirements to support his decision for top surgery:

- A desire to live and be accepted as a member of the opposite sex (from birth), including a desire to make his body as congruent as possible with his preferred sex through surgery and hormone treatment,
- His transgender idendity has been persent persistently for at least two years,
- The disorder is not a symptom of another mental disorder,
- The disorder has caused him clinically significant distress and impairment in his social, occupational and familial areas of functioning.

He has documentation that he has completed a minimum of 12 continuous months of living in a gender role that is congruent with his gender identity across a wide range of life experience and events that may have occurred throughout the last year. Mr. Aldaco has undergone a minimum of 12 months of hormone replacement therapy and he has the capacity to make fully informed decisions, as well as give consent for treatment. Mr. Aldaco is able to comply with long term follow-up requirements and post-operative expectations. He confirmed to me he does not drink, nor does he use illegal drugs for recreational purposes.

I have been working as a private therapist for over a year and a half, and previously as a substance abuse counselor for four years. In that time I have counseled clients at various stages of transition. As well, my ex-spouse underwent transition during the time we were together, so I witnessed all of the stages leading up to that decision. I am fully versed on this process and endorse Mr. Aldaco's decision for top surgery.

Should you have any follow up questions, please feel free to contact me.

Sincerely,

Barbara Wood, LCSW, LCDC

Barbara Wood, LCSW, LCDC
barbaraw@thriveworks.com
(512-649-3050)

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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Annik Morgan		amorgan@cr.law	7/21/2025 7:12:00 PM	SENT
Annik Morgan		amorgan@cr.law	7/21/2025 7:12:00 PM	SENT
William ArthurNewman		wnewman@cr.law	7/21/2025 7:12:00 PM	SENT
William ArthurNewman		wnewman@cr.law	7/21/2025 7:12:00 PM	SENT
Siphosami Dongozi		sdongozi@cr.law	7/21/2025 7:12:00 PM	SENT
Siphosami Dongozi		sdongozi@cr.law	7/21/2025 7:12:00 PM	SENT
William Chamblee		wchamblee@cr.law	7/21/2025 7:12:00 PM	SENT
Annik Morgan Barrios		amorgan@cr.law	7/21/2025 7:12:00 PM	SENT
Ron Miller		ron@cmppllc.com	7/21/2025 7:12:00 PM	SENT
Jennifer Calloway		jcalloway@cr.law	7/21/2025 7:12:00 PM	SENT
Jennifer Calloway		jcalloway@cr.law	7/21/2025 7:12:00 PM	SENT