

## SCOTx: Trial Court Can Reconsider and Grant TCPA Motion to Dismiss after that Motion Has Been Denied by Operation of Law

April 29, 2025

*First Sabrepoint Capital Management, L.P. v. Farmland Partners Inc.*

Supreme Court of Texas, No. 23-0634 (April 24, 2025)

Opinion by Justice Huddle (linked [here](#))

[Ken Carroll](#)

Applying and extending its ruling in *In re Panchakarla*, 602 S.W.3d 536 (Tex. 2020), the Supreme Court of Texas holds that a trial court retains jurisdiction to grant a motion to dismiss under the TCPA even after that motion has been denied by operation of law, per statute.

Sabrepoint moved to dismiss Farmland’s claims under the TCPA, which requires the trial court to rule not later than 30 days after the hearing on such a motion. TCPRC § 27.005(a). The trial court didn’t rule before the 30-day deadline expired, and so the motion was deemed to have been denied by operation of law pursuant to TCPRC § 27.008(a). Five days after that deadline, however, the trial court issued an order granting the TCPA motion to dismiss. Farmland appealed, and the court of appeals held the trial court’s order granting the TCPA motion was void because it was issued after the statutory deadline and after the motion was deemed to have been denied by operation of law. TCPRC §§ 27.005(a) & .008(a).

The Supreme Court disagreed, however. Referencing its decision in *Panchakarla*, the Court explained that “the expiration of the deadline for a trial court to rule on a TCPA motion does not extinguish the court’s plenary power to later reconsider that ruling.” And the text of TCPRC § 27.008(a), providing that motions not ruled on within 30 days after hearing are denied by operation of law, does not change that. The Court noted that when the trial court issued its order granting Sabrepoint’s TCPA motion, five days after the deadline, no appeal had been taken and there was no final judgment. “Under those circumstances,” the Court said, “nothing in the TCPA extinguished the trial court’s plenary power to reconsider the TCPA motion’s merits”—which, in practical effect, is what happened here. The Supreme Court therefore reversed and remanded for the court of appeals to reconsider the TCPA dismissal on the merits.

