

**Affirmed and Opinion Filed March 17, 2026**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-25-00091-CV**

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**REHAB SQUAD GENERAL CONTRACTORS, LLC, Appellant  
V.  
PHAMILY CAPITAL PARTNERS, LLC AND DEREK PHAM, Appellees**

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**On Appeal from the 68th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-22-16007**

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**MEMORANDUM OPINION**

Before Justices Miskel, Clinton, and Jackson  
Opinion by Justice Clinton

Rehab Squad General Contractors, LLC argues the trial court abused its discretion by refusing to submit a jury question. We affirm the trial court's judgment in this memorandum opinion. *See* TEX. R. APP. P. 47.4.

**BACKGROUND**

Rehab Squad filed this lawsuit against Phamily Capital Partners, LLC and Derek Pham (collectively, Phamily Capital) and alleged claims of (1) disregard of the corporate entity (agency/piercing the corporate veil), (2) breach of contract, (3) quantum meruit and unjust enrichment and (4) negligent misrepresentation. After Rehab Squad rested its case, Phamily Capital moved for directed verdict on Rehab

Squad’s claim for piercing the corporate veil. The trial court initially granted the motion, but soon thereafter denied it. In doing so, the trial court stated, “That doesn’t mean that it’s [a question on piercing the corporate veil] going to get to the jury, but we’re going to—I think that’s probably enough to get there, but we’ll see.”

At the conclusion of the first day of trial, the trial court convened an off-the-record charge conference. Back on the record, the trial court asked Rehab Squad’s counsel if there were objections to the charge, to which counsel answered, “No, Your Honor.” At the beginning of the second day of trial, the trial court silently read a trial brief filed by Rehab Squad concerning, “[W]hether the evidence presented during trial was sufficient to allow [Rehab Squad] to ‘pierce the corporate veil,’ making Defendant Derek Pham liable to [Rehab Squad] for its various causes of action.” The trial court then initiated the following exchange:

THE COURT: I mean, you guys [Rehab Squad] never submitted a proposed charge on veil piercing though.

[REHAB SQUAD’S COUNSEL]: Because yesterday we just went through what was already decided.

[PHAMILY CAPITAL’S COUNSEL]: [T]hey didn’t even submit questions on it, and then they had no objections to the charge at the charge conference. . . .

THE COURT: Do you have any proposed language to the charge at this point?

[REHAB SQUAD’S counsel]: Well, yes. It was what we discussed yesterday but we took it out. The definition of Phamily Capital Partners.

THE COURT: Oh, that’s not—you need a question on veil piercing.

[REHAB SQUAD’S COUNSEL]: Well, we have issues—would you agree that he pierced the corporate veil—

THE COURT: No, there’s a whole PJC on veil piercing.<sup>1</sup>

After Rehab Squad’s counsel offered no additional argument and failed to request or tender a question on veil piercing , the trial court stated, “[T]he request is denied.”

The jury charge did not contain a question, definition or instruction on piercing the corporate veil.

The jury found in favor of Rehab Squad and against Phamily Capital Partners, LLC and assessed damages. The trial court signed an amended final judgment thereon. Rehab Squad filed a notice of appeal, and this appeal followed.

### ANALYSIS

In three issues on appeal, Rehab Squad complains of the trial court’s refusal to submit a jury question on piercing the corporate veil. Phamily Capital argues Rehab Squad presents no ground for reversal because Rehab Squad failed to request and tender a written question on that issue. *See* TEX. R. CIV. P. 278.

#### Standard of Review and Applicable Law

We review a claim of charge error for abuse of discretion. *In re J.M.H.*, No. 05-22-00167-CV, 2022 WL 3040670, at \*4 (Tex. App.—Dallas Aug. 2, 2022, pet.

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<sup>1</sup> *See* Comm. On Pattern Jury Charges, State Bar of Tex., *Texas Pattern Jury Charges: Business* PJC 108.1 & cmt. 2020 (providing suggested wording of jury question when claimant seeks to disregard corporate veil); *id.* PJC 108.2 (comment on disregarding corporate fiction in contract-related cases).

denied) (mem. op.). A trial court abuses its discretion by failing to follow guiding rules and principles. *Id.* Texas Rule of Civil Procedure 278 states, in part:

Failure to submit a question shall not be deemed a ground for reversal of the judgment, unless its submission, in substantially correct wording, has been requested in writing and tendered by the party complaining of the judgment; provided, however, that objection to such failure shall suffice in such respect if the question is one relied upon by the opposing party.

TEX. R. CIV. P. 278. It is the responsibility of the party with the burden of proof on a ground of recovery to request that the issue be submitted to the jury. *State Farm Mut. Auto. Ins. Co. v. Nicastro*, No. 05-23-00362-CV, 2025 WL 399674, at \*9 (Tex. App.—Dallas Feb. 5, 2025, pet. ref'd) (mem. op.).

#### The Trial Court Did Not Make Compliance With Rule 278 Impossible

In its second issue on appeal, Rehab squad asserts, “[Rehab Squad] preserved its jury-charge complaint because the court’s trial briefing request and next-morning denial left oral objection and ruling as the only practical means of compliance.” Similarly, it argues, “The trial court’s own mid-trial reversal and briefing request deprived [Rehab Squad] from any realistic opportunity to submit a written jury charge before the charge was finalized.” It also argues the trial court’s above-described conduct made it “impossible” for it to timely tender a question on veil piercing.

#### Rehab Squad’s factual arguments:

Specifically, Rehab Squad argues the trial court made a request and tender of a veil-piercing question impracticable or impossible due to the trial court’s (1) mid-

trial statement in denying Phamily Capital’s motion for directed verdict and (2) not allowing Rehab Squad adequate time to request and tender a veil-piercing question.

1. Statement during “mid-trial reversal”:

First, we consider Rehab Squad’s argument the trial court’s “mid-trial reversal” made request and tender of a veil-piercing question impracticable or impossible. As recounted above, the trial court first granted and soon thereafter denied Phamily Capital’s motion for a directed verdict on piercing the corporate veil. In denying the motion, the trial court said from the bench the question on veil piercing probably was going to the jury, although it also stated it was uncertain. We conclude the trial court’s statement highlighted the necessity for Rehab Squad to be prepared to subsequently request and tender a jury question on the still-viable issue of veil piercing. *See* TEX. R. CIV. P. 278. Indeed, Rehab Squad asserts the trial court’s statement recognized the evidence created a jury issue on piercing the corporate veil. Consequently, we conclude Rehab Squad had every reason to be prepared to timely request and tender a veil-piercing question at the charge conference, and the trial court’s statement did nothing to make a timely request and tender of the question impossible or impracticable.

2. Reasonable Time to request and submit a question:

Second, Rehab Squad complains the trial court did not allow it reasonable time to request and tender a veil-piercing question. It argues as follows:

[T]he court's handling of the charge conference foreclosed any realistic opportunity to tender a written veil-piercing question. After tentatively granting a directed verdict, the judge requested overnight briefing and assured counsel the matter would be revisited, only to deny the request the next morning moments before the charge was read.

Rehab Squad argues, “[Rehab Squad’s] counsel was under the clear impression that the trial court would not make a decision on the jury charge until it had ruled on [Rehab Squad’s] directed verdict.” Rehab Squad refers to events related to the charge conference as occurring in a “compressed window.”

Nevertheless, the appellate record reflects the trial court silently read Rehab Squad’s brief on piercing the corporate veil at the bench at the beginning of the second day of trial. Soon afterward, the trial court reminded Rehab Squad’s counsel that it (1) had not requested and tendered a question on piercing the corporate veil, (2) needed to request and tender the question and (3) asked if counsel had any proposed language to add to the jury charge. Rehab Squad failed to request and tender a question in response. From this, we cannot conclude the appellate record supports Rehab Squad’s argument that the trial court “foreclosed any realistic opportunity” to tender a written veil-piercing question.

Rehab Squad’s legal basis:

Rehab Squad asserts that because the trial court made it impossible to request and tender a written question on veil piercing, it preserved error by objecting to the trial court’s refusal to submit a question on its issue of veil piercing. Rehab Squad cited authority does not support its argument. *See* TEX. R. CIV. P. 272; *King Fisher*

*Marine Servs., L.P. v. Tamez*, 443 S.W.3d 838, 847 (Tex. 2014) (holding trial court provided parties reasonable time under Rule 272 to review and object to charge and acted within its discretion in refusing as untimely a proposed definition); *Thota v. Young*, 366 S.W.3d 678, 680, 696 (Tex. 2012) (holding presumed-harm analysis does not apply to broad-form submission in single-theory-of-liability case when negligence charge includes both an improper defensive theory of contributory negligence and an improper inferential rebuttal instruction); *State Dept. of Highways & Pub. Transp. v. Payne*, 838 S.W.2d 235, 239 (Tex. 1992) (objection to jury instruction that omitted an element of *other party's claim* or, alternatively, requesting trial court to inquire of the jury concerning an omitted element preserved error) (emphasis added); *Patriot Contracting, LLC v. Shelter Prods., Inc.*, 650 S.W.3d 627, 651–52 (Tex. App.—Houston [1st Dist.] 2021, pet denied) (mem. op.) (holding trial court did not err in refusing to submit to jury proposed jury instructions and question because they were not shown to be (1) reasonably necessary for the jury to render a proper verdict or (2) subsumed in submitted broad-form questions); *Koukhtiev v. Hiner*, No. 01-13-00356-CV, 2014 WL 4952430, at \*5–6 (Tex. App.—[1st Dist.] Oct. 2, 2014, no pet.) (mem. op.) (party objected to other party's questions); *Austin State Hosp. v. Kitchen*, 903 S.W.2d 83, 93–94 (Tex. App.—Austin 1995, no writ) (mem. op.) (hospital's and agency's objection to jury charge was sufficient to preserve error on *former employee's burden to prove* she was otherwise qualified for position with reasonable accommodation) (emphasis added).

The parties do not dispute Rehab Squad had the burden of proof on its claim of veil piercing. Request and tender of a question complying with Rule 278 by the party with the burden of proof on the question is required to preserve the right to complain of a trial court's failure to submit a question; whereas, an objection is required to preserve a complaint as to a defective question. *See* TEX. R. CIV. P. 278; *Hartnett v. Hampton Inns, Inc.*, 870 S.W.2d 162, 166 (Tex. App.—San Antonio 1993, no writ) (“Error was not properly preserved. The record shows appellant’s, who had the burden of proof, did not specifically *request* submission of a DTPA question against Wells Fargo, but instead *objected* to the omission of Wells Fargo from questions one and two.”) (emphases in original); TEX. R. CIV. P. 278.

Consequently, we conclude Rehab Squad’s argument that it preserved its appellate complaint by means of objection is without legal basis.

*Rehab Squad’s ancillary arguments:*

Rehab Squad asserts two ancillary arguments. *First*, relying on the above-described facts, Rehab Squad asserts the trial court created or exacerbated confusion during the charge conference. It refers to the inherent difficulty related to “complex, intricate, sometimes contradictory, unpredictable rules related to the jury charge.” We conclude Rehab Squad fails to demonstrate the trial court was confused or caused confusion in this uncomplicated, garden-variety business dispute. As we described above, the trial court clearly stated during trial the issue of veil piercing probably would go to the jury and subsequently informed Rehab Squad it had not

submitted a question on veil piercing, informed it of the need to submit a question, asked if it had a question to submit and informed it of a pattern jury charge. In response, Rehab Squad simply failed to offer additional argument and to request and tender a question. In sum, Rehab Squad fails to demonstrate the trial court fostered or exacerbated confusion related to tender of a question on veil piercing.

*Second*, Rehab Squad argues the trial court rushed his decision on Phamily Capital's motion for directed verdict and on whether a question on veil-piercing should be submitted. Specifically, Rehab Squad argues the trial court rushed proceedings to facilitate a juror's scheduled vacation. Rehab Squad states the juror said he was scheduled to leave for Alaska that Friday; the trial court responded, "We'll get it done tomorrow [Thursday]"; the trial court proposed to work late on Wednesday and stated, "I'm asking for him especially"; the trial court stated at the end of Wednesday's proceedings that the jury should have plenty of time to deliberate and reach a verdict on Thursday and added, "We want to let this gentleman be able to get to his—I forget where you're going" and; at the close of proceedings Thursday, the trial court stated to the juror, "I hope you make your cruise okay to Alaska."

Trial courts have broad discretion to manage their dockets and conduct business in their courtrooms. *In re Wood Cnty. Post No. 7523, Veterans of Foreign Wars of U.S.*, No. 05-26-00036-CV, 2026 WL 448823, at \*1 (Tex. App.—Dallas Feb. 17, 2026, orig. proceeding) (mem. op.). Rehab Squad fails to demonstrate the

trial court rushed proceedings or that it abused its discretion in managing trial. *See id.* Rehab Squad most specifically suggests the trial court rushed trial proceedings by proposing to work late Wednesday, but the reporter’s record reflects the jury did not work late and was dismissed for the day at 5:13 p.m. We conclude the appellate record does not factually support Rehab Squad’s argument that the trial court rushed trial proceedings.

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We overrule the second issue on appeal.

Rehab Squad Failed to Comply with Rule 278

In its first issue, Rehab Squad argues, “The trial court erred by refusing to allow [Rehab Squad] a veil piercing question to the jury even though the theory was pleaded, timely requested, and supported by some evidence.” In its third issue on appeal, Rehab Squad argues, “The court [erred] by effectively granting [Phamily Capital’s] directed verdict motion and withdrawing veil piercing from the jury despite evidence raising a genuine fact question regarding piercing the corporate veil.” We review these two issues together.

*Rehab Squad’s first issue on appeal:*

Neither party disputes Rehab Squad had the burden of proof on the issue of piercing the corporate veil and, therefore, the responsibility to request a jury question on that issue. *See Harper*, 706 S.W.3d at 464; TEX. R. CIV. P. 278. Moreover, Rehab Squad asserts, “[I]t appears that [Rehab Squad] did not comply with [Rule 278.]”

Thus, Rehab Squad concedes it failed to comply with Rule 278's express requirement to request and tender in writing a substantially correct jury question on piercing the corporate veil. *See* TEX. R. CIV. P. 278. The facts described above support that concession. Because Rehab Squad failed to comply with Rule 278, we may not deem the trial court's refusal to submit a question on veil piercing as a ground for reversal of the judgment. *See* TEX. R. CIV. P. 278; *In re J.M.H.*, 2022 WL 3040670, at \*5. We overrule the first issue on appeal.

*Rehab Squad's third issue on appeal:*

We understand Rehab Squad to argue in its third issue that it presented evidence to support a question on piercing the corporate veil and the trial court therefore abused its discretion in not submitting a jury question thereon. *See* TEX. R. CIV. P. 278 (the trial court shall submit a question, tendered in proper form, if the question is raised by written pleadings and evidence).

Nonetheless, we cannot consider Rehab Squad's evidentiary argument. Rehab Squad conceded it did not comply with Rule 278's requirement of requesting and tendering a question on piercing the corporate veil. *See id.* And failure to submit a question shall not be deemed a ground for reversal of the judgment unless its submission, in substantially correct wording, has been requested in writing and tendered by the party complaining of the judgment. *Id.* Therefore, we cannot reach the issue of evidentiary support for a question that Rehab Squad never requested or tendered to the trial court. *See id.*

We overrule the third issue on appeal.

**Conclusion**

We affirm the trial court's judgment.

/Tina Clinton/

TINA CLINTON

JUSTICE