

The court of appeals correctly recognized that Berryman's claims of liability based on alter ego or agency were claims of derivative liability dependent on Development's liability. 838 S.W.2d at 612-13. However, the court of appeals erred when it concluded that Berryman's claim that El Paso received usurious interest also suggested a claim of El Paso's direct liability.

Berryman's only allegation that El Paso received the benefits of a usurious transaction was raised in connection with Development's role as the agent of El Paso. This too was an assertion of derivative, rather than direct, liability.

A finding that El Paso was the alter ego or the principal of Development would make El Paso jointly and severally liable for the damages assessed against Development in *Berryman I*. However, these claims are extinguished by the one satisfaction rule. The one satisfaction rule provides that a party which suffers but one injury can recover only one satisfaction for damages arising from that injury. See, e.g., *Stewart Title Guar. Co. v. Sterling*, 822 S.W.2d 1, 5-6 (Tex.1991); *Bradshaw v. Baylor Univ.*, 126 Tex. 99, 84 S.W.2d 703, 705 (1935). This rule prevents a claimant from recovering more than the amount required for full satisfaction of his damages. *T.L. James & Co. v. Statham*, 558 S.W.2d 865, 868 (Tex.1977).

Development paid Berryman \$20,013,020.22 in full settlement of his usury damages, refund of principal paid, attorney's fees and post-judgment interest. None of these damages, for which El Paso could be derivatively liable if found to be the alter ego or principal of Development, are left unsatisfied.

III.

The court of appeals also erred by holding that a finding of derivative liability against El Paso would permit Berryman to recover the additional "third multiple" of usury damages, that is, the difference between three times usurious interest, as permitted by TEX.REV.CIV.STAT.ANN. art. 5069-1.06(1), and the two times usurious interest awarded to Berryman and paid by Development in *Berryman I*. 838 S.W.2d at 615-

16. This claim is extinguished by collateral estoppel.

(2) In order to invoke the doctrine of collateral estoppel, a party must establish "(1) the facts sought to be litigated in the first action were fully and fairly litigated in the prior action; (2) those facts were essential to the judgment in the first action; and (3) the parties were cast as adversaries in the first action." *Mower v. Boyer*, 811 S.W.2d 560, 563 (Tex.1991); *Eagle Properties, Ltd. v. Scharbauer*, 807 S.W.2d 714, 721 (Tex.1990); *Bonniwell v. Beech Aircraft Corp.*, 663 S.W.2d 816, 818 (Tex. 1984).

[3] El Paso's only liability would be derivatively based on Development's liability as El Paso's alleged agent. The issue of usury damages was fully and finally litigated against Development in *Berryman I*, and affirmed by the court of appeals in that case. *Berryman I*, 769 S.W.2d at 593. Under the principles enunciated in *Mower, Eagle Properties*, and *Bonniwell*, Berryman is collaterally estopped from claiming additional usury damages from El Paso based on derivative liability.

Pursuant to Texas Rule of Appellate Procedure 170, without hearing oral argument, a majority of this court grants petitioner's writ of error, reverses the judgment of the court of appeals, and affirms the judgment of the trial court.

Alfred NUERNBERG, Petitioner,

TEXAS EMPLOYMENT COMMISSION
and Milchem Incorporated Ind. and
d/b/a Milpark Drilling Fluids, Respondents.

No. D-3326.

Supreme Court of Texas.

June 16, 1993.

Rehearing Overruled Sept. 10, 1993.

Employee appealed decision of Texas Employment Commission. The County Civ-

il Court at Law No. 2, Harris County, Tom Sullivan, J., denied relief, and appeal was taken. The Court of Appeals, 846 S.W.2d 41, affirmed, and writ of error was sought. The Supreme Court held that trial court, reviewing Texas Employment Commission's denial of unemployment compensation benefits, may not review agency record itself.

Reversed and remanded.

Social Security and Public Welfare §650

Trial court, reviewing Texas Employment Commission's denial of unemployment compensation benefits, may not review agency record itself; individual items from record may be introduced at trial, but they must be introduced independently and pursuant to Texas Rules of Civil Evidence.

Bruce A. Coane and Joyce A. Keating,
Houston, for petitioner.

J. Alfred Southerland, Houston, Anthony Aterno and Dan Morales, Austin, for respondents.

competent evidence on which to base a summary judgment. Accordingly, pursuant to Texas Rule of Appellate Procedure 170, without hearing oral argument, a majority of the court grants the application for writ of error, reverses the judgment of the court of appeals, and remands the case to the trial court for further proceedings consistent with this opinion.



In the Matter of M.R.

No. D-3583.

Supreme Court of Texas.

June 16, 1993.

Rehearing Overruled Aug. 26, 1993.