
IMMUNITY - TEXAS

City of Dallas v. Sanchez

Supreme Court of Texas - July 1, 2016 - S.W.3d - 2016 WL 3568055

Parents, whose son died from a drug overdose, brought wrongful death action against city, alleging that emergency personnel provided assistance to a different drug-overdose victim at the same apartment complex and then left the premises without aiding their son and alleging that the 911 telephone system malfunctioned and disconnected son's call before the responders could establish the overdose reports were not duplicative.

The trial court granted the city's motion to dismiss as to all claims except the allegation that the 911 phone system failed or malfunctioned. On interlocutory appeal, the Dallas Court of Appeals affirmed, and city filed petition for review.

The Supreme Court of Texas held that alleged defect in the 911 telephone system was not a proximate cause of son's death from drug overdose, as required to establish a waiver of governmental immunity.

Alleged defect in the 911 telephone system was not a proximate cause of apartment tenant's death from drug overdose, as required to establish a waiver of governmental immunity under the Tort Claims Act, waiving governmental immunity from suit for personal injury and death caused by a condition or use of tangible personal or real property. Between the alleged malfunction and tenant's death, emergency responders erroneously concluded separate 911 calls were redundant and left the apartment complex without checking the specific apartment unit the dispatcher had provided to them, six hours passed between the phone malfunction and tenant's death, further attenuating the causal connection, and phone malfunction was merely one of a series of factors that contributed to tenant not receiving timely medical assistance.

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