
IMMUNITY - TEXAS

CKJ Trucking, L.P. v. City of Honey Grove

Court of Appeals of Texas, Dallas - July 23, 2019 - S.W.3d - 2019 WL 3296978

Southbound motorist brought negligence suit against southbound truck driver and trucking company, as a result of an automobile accident in which northbound off-duty police officer attempted U-turn and caused southbound motorist to stop and truck driver to rear-end motorist.

Truck driver and trucking company filed a third party petition against officer and the city.

Following city's filing of a plea to the jurisdiction and motion to dismiss, the District Court granted motion to dismiss. Truck driver and trucking company appealed.

The Court of Appeals held that officer's authority to act placed him within scope of his employment with city police department and thus city's sovereign immunity was waived.

Off-duty police officer's authority to act placed him within scope of his employment with city police department and thus city's sovereign immunity was waived, in negligence suit arising out of automobile accident; officer's authority to act was triggered by reasonable suspicion as he observed police car with its lights activated parked in business parking lot and unmarked vehicle blocking police car in, officer testified that scene did not appear to be secure, officer did not see any occupants from either vehicle either being detained or interviewed, and officer testified that he thought situation raised serious concerns that another officer might be ambushed, in distress, in need of assistance, or be in physical danger.

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