

Bond Case Briefs

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LIABILITY - TEXAS

City of San Antonio v. Realme

Supreme Court of Texas - March 13, 2026 - S.W.3d - 2026 WL 706013 - 69 Tex. Sup. Ct. J. 363

Participant in community “fun run” brought action against city for negligence and gross negligence, alleging that, while following the course through a public park, she tripped over a metal pole fragment, fell, and broke her arm, and that city’s negligent maintenance of the park caused her injury.

The 73rd District Court denied city’s plea to the jurisdiction. City appealed. The San Antonio Court of Appeals affirmed and remanded. On remand, the 73rd District Court denied city’s traditional and no-evidence summary judgment motion. City appealed. The San Antonio Court of Appeals affirmed. City filed petition for review, which was granted.

The Supreme Court held that:

- Definition of “recreation” only by reference to examples, in Recreational Use Statute, captures other such diversions and forms of play, undertaken for refreshment from the toils of life;
- Fun run was “recreation,” and thus the Recreational Use Statute’s limitation on liability applied to participant’s negligence claim; and
- Court would not consider in the first instance whether participant’s gross-negligence claim would fail as a matter of law.