

Bond Case Briefs

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City of San Antonio v. Tenorio

Supreme Court of Texas - March 23, 2018 - S.W.3d - 2018 WL 1441791

Motorcyclist, individually and on behalf of decedent, brought action against city for negligence in initiating, continuing, and failing to terminate high speed chase of driver that collided with motorcycle.

The District Court denied city's plea to the jurisdiction based on governmental immunity. City filed an interlocutory appeal. The San Antonio Court of Appeals affirmed. City petitioned for review.

The Supreme Court of Texas held that city did not have actual notice that it was allegedly at fault for fatal collision between motorcycle and vehicle that drove into oncoming traffic to evade police, as was required by Texas Tort Claims Act (TTCA) for city's governmental immunity to have been waived; even though statement in crash report indicated that fleeing police was factor that contributed to collision, nothing in crash report, witness statements, or case report indicated that city's police department subjectively believed its officers acted in error by initiating or continuing pursuit such that they were responsible for injuries.