

Bond Case Briefs

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Worsdale v. City of Killeen, Texas

Supreme Court of Texas - June 14, 2019 - S.W.3d - 2019 WL 2479177 - 62 Tex. Sup. Ct. J. 1246

Personal representative of estate of motorcycle driver and personal representative of the estate of passenger brought a wrongful death action against city arising from accident in which driver collided with a large dirt mound, which was not marked by any traffic control device, barricade, or other safety features, and which obstructed the full width of the roadway, causing serious injuries and ultimately death to both driver and passenger.

The District Court denied city's plea to the jurisdiction. City appealed. The Court of Appeals reversed and rendered. Personal representatives petitioned for review.

The Supreme Court held that City had actual notice of claims made against it on behalf of motorcycle driver and passenger who died from injuries sustained when driver collided with a large dirt mound that completely obstructed an otherwise open asphalt road that was not barricaded, as would render formal notice requirements of the Tort Claims Act inapplicable; city was subjectively aware of allegations that the road condition and the absence of warning signs were contributing factors to the accident and that the city was responsible for maintaining the road when city officials from key departments participated in the investigation of the accident, including engineering, street works, and legal, and the city inspector conceded the city was aware the road had been blocked for at least two years.