

Bond Case Briefs

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Town of Shady Shores v. Swanson

Supreme Court of Texas - December 13, 2019 - S.W.3d - 2019 WL 6794327 - 2019 IER Cases 477, 495 - 63 Tex. Sup. Ct. J. 180

Former town employee brought action against town for statutory and common law wrongful discharge, for a free speech rights violation, and for declaratory relief.

The District Court granted town's plea to the jurisdiction and denied town's summary judgment motions. Town filed an interlocutory appeal. The Court of Appeals affirmed in part and reversed in part. Town petitioned for interlocutory review, which was granted.

The Supreme Court held that:

- It possessed jurisdiction over town's petition seeking interlocutory review of Court of Appeals' determinations;
- A no-evidence summary judgment motion could be used to defeat jurisdiction on the basis of governmental immunity;
- Texas Open Meetings Act's (TOMA) clear and unambiguous waiver of immunity did not extend to suits for declaratory relief; and
- Employee adequately pled claims against town under TOMA arising from her termination.