

# **Bond Case Briefs**

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## **IMMUNITY - TEXAS**

### **White v. City of Houston**

**Court of Appeals of Texas, Houston (1st Dist.) - March 25, 2021 - S.W.3d - 2021 WL 1133152**

Driver sued city to recover damages for personal injuries that were allegedly sustained when unsecured firehose from one of city's firetrucks became entangled in car's rear axle while driver was in car and caused car to be dragged for 30 feet.

The District Court granted city's plea to the jurisdiction. Driver appealed.

The Court of Appeals held that:

- Driver alleged claim that was legally sufficient to invoke Tort Claims Act's waiver of governmental immunity for injuries caused by condition or use of tangible personal property, but
- Emergency exception to waiver of governmental immunity applied.

Driver, who purportedly was injured when unsecured firehose from city's firetruck became entangled in his car's rear axle and caused car to be dragged for 30 feet, alleged a claim that was legally sufficient to invoke Tort Claims Act's waiver of governmental immunity for injuries caused by condition or use of tangible personal property, where driver alleged that hose, or compartment in which it was stowed, lacked integral safety component to secure hose in place while in transit, such safety components existed, and fire captain thought that those safety components were used in other firetrucks operated by city's fire department.

Emergency exception to Tort Claims Act's waiver of governmental immunity applied to suit brought by driver for personal injuries allegedly sustained when unsecured firehose from city's firetruck dislodged while truck was en route to house fire and caused car accident, although act of stowing hose in truck occurred before emergency response; driver did not allege he was injured when firefighters stowed hose, claim necessarily arose from firefighters' transport of allegedly negligently stowed hose while responding to emergency call, and firefighters were responding to emergency when accident happened.