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Varner v. City of Andrews

Court of Appeals of Texas, El Paso - September 28, 2022 - S.W.3d - 2022 WL 4538877

Pedestrian brought personal injury action against city, alleging that city was liable for injuries incurred when she was attacked by a pack of dogs while walking in city. The District Court granted city's plea to the jurisdiction. Pedestrian appealed.

The Court of Appeals held that pedestrian's complaints about city's animal control policies and procedures to mayor and police chief were insufficient to put city on notice, for purposes of Texas Tort Claims Act's notice requirement, of her claim.

Pedestrian's complaints about city's animal control policies and procedures to mayor and police chief were insufficient to put city on notice, for purposes of Texas Tort Claims Act's notice requirement, of claim in her personal injury action against city, that city was liable for injuries incurred when she was attacked by pack of dogs; there was no evidence that either mayor or police chief came away from meeting having subjective awareness of possible claim that city's conduct caused pedestrian's injuries, dogs had escaped from owner's private property moments before attack and owner was present at the scene shortly after the attack, and in statement to city, pedestrian described the event, but made no reference to city's animal control procedures being a causal factor.

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