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LIABILITY - TEXAS

HNMC, Inc. v. Chan

Supreme Court of Texas - January 19, 2024 - S.W.3d - 2024 WL 202323

Husband, sons, and estate of hospital employee who was killed when she was struck by a vehicle while crossing public roadway between parking lot and hospital brought negligence action against hospital and other defendants.

The 133rd District Court entered judgment on jury verdict finding hospital 20% responsible, employee 10% responsible, and other parties 70% responsible for negligently causing employee's death, and awarding total of $15 million to husband and sons.

Hospital appealed after its motion to set aside judgment and for new trial was overruled by operation of law.

On reconsideration en banc, the Houston Court of Appeals affirmed. Hospital petitioned for review, which was granted.

The Supreme Court held that:

- Hospital had no duty to ensure safety of employee who left hospital's property;
- Hospital did not undertake a duty to employee;
- Artificial conditions that hospital created were not on hospital's property, and thus could not support a duty under rule that an owner or occupant of premises abutting a highway has a duty to refrain from jeopardizing or endangering the safety of persons using the highway as a means of passage or travel;
- There was no evidence that conditions on hospital's property were dangerous, and thus those conditions could not support a duty to employee;
- Hospital had a duty to address any dangerous conditions in limited areas of right-of-way where hospital actually exercised control;
- Evidence was legally insufficient to support jury's finding that signs hospital had placed in public right-of-way proximately caused employee's death; and
- Remedy of take-nothing judgment was warranted.

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