

***City of Waco v. Texas Commission on Environmental Quality*, No. 03–09–00005–CV (Tex. App.—Austin, June 17, 2011).**



***City of Dallas v. Albert*, No. 07-0284 (Tex. August 26, 2011).**

Step 1:

Firefighters and police officers sued the City of Dallas for underpayment of wages.

Step 2:

The City countersued arguing that the plaintiffs had been overpaid.

Step 3:

Firefighters and police officers countersued on the City's counter-claim.

Step 4:

The City non-suited its countersuit and filed a plea to the jurisdiction.

Holding: City does not regain its immunity from suit after it drops a countersuit. Sometimes.....

***Shawn Hudson v. City of Houston, No. 01-07-00939-CV (Tex. App.— Houston [1st Dist.] January 13, 2011).***

*City of Houston Code of Ordinances Sec. 2-305. - Duties and responsibilities of covered persons.*

In order to receive the benefits of the legal representation and indemnification provisions of this article a covered person must:

- (1) Notify the city attorney, in writing, as soon as practicable upon receipt of written notice of a claim or lawsuit, but no later than five working days after receipt;

***Teague v. City of Dallas, No. 05-10-01163-CV (Tex. App.— Dallas, May 4, 2011).***

Teague sustained injuries after a high speed chase and sued the City for negligent use and operation of motor-driven vehicles. She failed to demonstrate a nexus between the operation of the City and county vehicles and her injuries. Thus, the court of appeals held that the operation of the police officer's vehicle was too attenuated to be the cause of the accident under the Tort Claims Act and the City retained its immunity from suit.

***City of Laredo v. Varela*, No. 04-10-00619-CV (Tex. App.—San Antonio, May 11, 2011).**

Officer Ran Red Light

Emergency Lights = Yes

Sirens = Yes

Responding to an emergency call = Yes

Acting with conscious indifference or reckless disregard for the safety of others? = NO

***City of Austin v. Albarran*, No. 03-10-00328-CV (Tex. App.—Austin, June 23, 2011).**

Collision at a Busy Intersection

Emergency Lights = No

Sirens = No

Responding to an emergency call = Yes

Discretionary or Ministerial under the official immunity doctrine = ?

***City of Dallas v. Brooks*, No. 05-10-00692-CV (Tex. App.—  
Dallas, August 30, 2011).**

Officer Struck Pedestrian

Emergency Lights = No

Sirens = No

Responding to an emergency call = Yes

Discretionary or Ministerial under the official  
immunity doctrine = Discretionary

***City of McAllen v. Corpus*, No. 13-10-00670-CV (Tex. App.—  
Corpus Christi, May 19, 2011).**

## THE BEEHIVE CASE

***City of Combine v. Robinson*, No. 05-10-01384-CV (Tex. App.—Dallas, August 16, 2011).**

- New City Council Members Elected
- Executive session discussing firing officers
- Voted to fire
- Officers requested a public hearing
- Public hearing was held
- Council ratified all actions taken at the closed meeting
- Ratification negated any justiciable controversy as to the validity of the original vote.

***Bonner v. City of Burleson*, No. 10-11-00060-CV (Tex. App.—Waco, August 31, 2011).**

Open Records Request made by “Texas Brat”

City refused to disclose the information

Refusal was proper, but.....

Plea to the Jurisdiction was not the proper procedural vehicle for dismissal in this case.

Motion for summary judgment would have been proper.

***City of Dallas v. Stewart*, No. 09-0257 (Tex., July 1, 2011).**

A City board determined that an abandoned house was a nuisance under Tex. Loc. Gov't Code Ann. § 214.001(a)(1) and ordered its demolition. The owner asserted due process and unconstitutional takings claims. The Texas Supreme Court reasoned that “unelected municipal agencies cannot be effective bulwarks against constitutional violations,” and held that substantial evidence review of the nuisance determination did not sufficiently protect Stewart’s rights under Tex. Const. art. I § 17.

***Como v. City of Beaumont*, No. 09-10-00192-CV (Tex. App.—Beaumont, August 31, 2011).**

The City declared Como’s commercial building a public nuisance and condemned the property. Como sued after the City demolished the building on claim for inverse condemnation under both the Texas and Federal Constitutions. The question concerning whether Como's property constituted a nuisance could not be resolved through a plea to the jurisdiction. Accordingly, Como’s takings claim was remanded to the trial court.

***City of Fort Worth v. Park*, No. 07-10-0279-CV (Tex. App—Amarillo, July 26, 2011).**

- Park was given notice.
- The notice indicated that the hearing would be held in the afternoon.
- City conducted the hearing in the morning.
- The City held an additional meeting in the afternoon.
- Summary judgment in Park's favor was improper because a fact issue still existed as to whether or not Parks had been given adequate due process on the City's substandard building claims.

***City of Dallas v. VSC, LLC*, No. 08-0265 (Tex. July 1, 2011).**

The City's police department seized a number of vehicles from VSC, a licensed vehicle storage facility. All of the vehicles seized from VSC had been reported stolen. Instead of pursuing a statutory remedy under Chapter 47 of the Code of Criminal Procedure, VSC sued, alleging that its interest in those vehicles had been taken without just compensation. The Court held that that the availability of the statutory remedy precludes a takings claim.