

# Recent State Cases of Interest

Laura Mueller, City Attorney, City of Dripping  
Springs

August 4, 2021



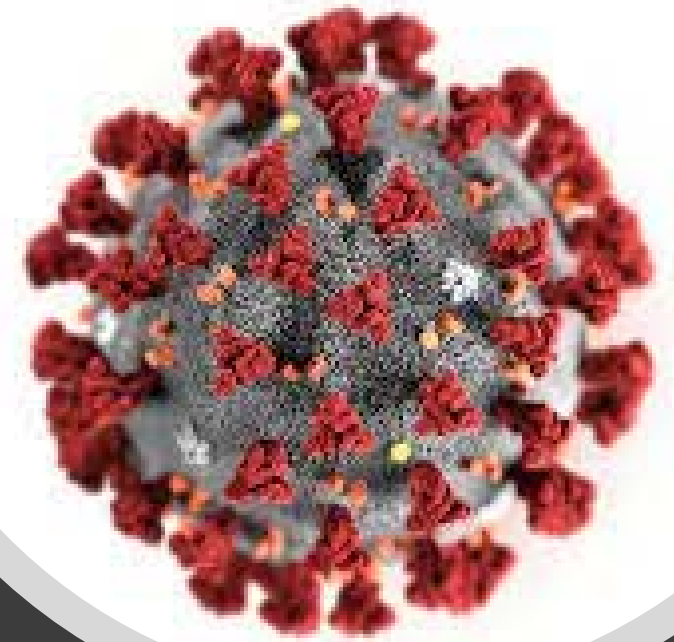
August 4-6



Austin, TX

**TEXAS CITY ATTORNEYS ASSOCIATION**  
2021 SUMMER CONFERENCE

# COVID Cases-Elections



- *In re State*, No. 20-0394, 2020 WL 2759629 (Tex. May 27, 2020).
- *State v. Hollins*, No. 20-0729, 2020 WL 5919729 (Tex. Oct. 7, 2020).
- *Hughs v. Move Texas Action Fund*, No. 03-20-00497, 2020 WL 6265520 (Tex. App.—Austin Oct. 23, 2020, no pet.) (per curiam.).
- **Abbott v. Anti-Defamation League Austin**, No. 20-0846, 2020 WL 6295076 (Tex. Oct. 27, 2020).

*“We agree with the State that a voter’s lack of immunity to COVID-19, without more, is not a ‘disability’ as defined by the Election Code. But the State acknowledges that election officials have no responsibility to question or investigate a ballot application that is valid on its face.”*



# COVID Cases



*In re Republican Party of Tex.*, No. 20-0525, 2020 WL 4001050 (Tex. July 13, 2020).

*State v. El Paso Cty.*, No. 08-20-00226-CV, 2020 WL 6737510 (Tex. App.—El Paso Nov. 13, 2020, no. pet. hist.).

*In re Donalson*, No. 12-21-00040-CV, 2021 WL 1054438 (Tex. App.—Tyler Mar. 19, 2021, no pet.) (mem. op.).



# Pro Se Cases

- ***Claudia Brown, Justice of the Peace for Precinct 4, Place #1 v. State of Texas***, No. 08-19-00110-CV (Tex. App.---El Paso October 12, 2020).
- ***Shaw v. City of Dallas***, No. 05-19-01233-CV, 2020 WL 4281789 (Tex. App.—Dallas July 27, 2020, pet. denied) (mem. op.).



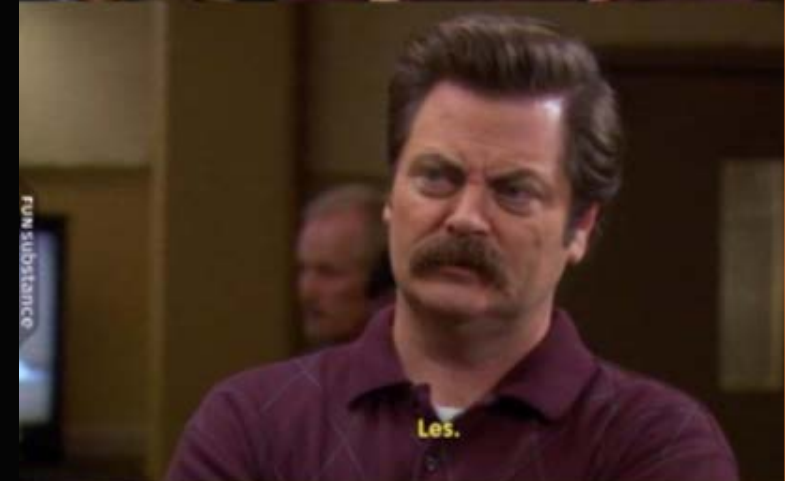
***“A pro se litigant is held to the same standards as licensed attorneys and must comply with applicable laws and rules of procedure.”***

# Contracts

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- *In re City of Galveston*, No. 20-0134, 2021 WL 1822939 (Tex. May 7, 2021)
- *City of Corpus Christi v. Graham Constr. Servs., Inc.*, 2020 WL 3478661, No. 13-19-00367-CV (Tex. App.---Corpus Christi June 25, 2020) (mem. op.) pet. denied.
- *Nettles v. GTECH Corp.*, No. 17-1010, 2020 WL 3116609 (Tex. June 12, 2020).
- *City of League City v. Jimmy Changas Inc.*, No. 14-19-00776-CV, 2021 WL 629618 (Tex. App.—Houston [14th Dist.] Feb. 18, 2021, pet. filed).

***Be careful with your owner's representative choices.***



# "CONTRACTS"



## Contracts for Recreational Uses

- *City of Carrollton v. Weir Bros. Contracting, LLC*, No. 05-20-00714-CV, 2021 WL 1084554 (Tex. App.—Dallas Mar. 22, 2021, pet. filed) (mem. op.)
  - *Leasing for recreational purposes is proprietary*
- *City of McKinney v. KLA Int’l Sports Mgmt., LLC*, No. 05-20-00659-CV, 2021 WL 389096 (Tex. App.—Dallas Feb. 4, 2021, no. pet. hist.).
  - *Leasing for recreational purposes is governmental because recreational uses are governmental*

# Employment

*Washington v. Associated Builders & Contractors of S. Texas, Inc.*, No. 04-20-00004-CV, 2021 WL 881288 (Tex. App.—San Antonio Mar. 10, 2021, no. pet. hist.).

*City of Pharr v. Cabrera*, No. 13-18-00559-CV, 2020 WL 2988641 (Tex. App.—Corpus Christi June 4, 2020, no pet.) (mem. op.).

*South Texas Coll. v. Arriola*, No. 12-19-00222-CV, 2021 WL 497237 (Tex. App.—Corpus Christi-Edinburg Feb. 11, 2021, pet. denied).

*Pidgeon v. Turner*, No. 14-19-00214-CV, 2021 WL 1686746 (Tex. App.—Houston [14th Dist.] Apr. 29, 2021, no. pet. hist.).





# Land Use

- ***Texas Propane Gas Ass'n. v. City of Houston***, No. 19-0767, 2021 WL 1432221 (Tex. Apr. 16, 2021).
- ***Powell v. City of Houston***, No. 19-0689, 2021 WL 2273976 (Tex. June 4, 2021).
- ***Bauer v. City of Waco***, No. 10-19-00020-CV, 2020 WL 7253430 (Tex. App.—Waco Dec. 9, 2020, no. pet. hist.) (mem. op.).
- ***River City Partners, Ltd. v. City of Austin***, No. 03-19-00253-CV, 2020 WL 3164404 (Tex. App.—Austin June 4, 2020, no pet.) (mem. op.).
- ***City of Mansfield v. Savering***, No. 02-19-00174-CV, 2020 WL 4006674 (Tex. App.—Fort Worth July 16, 2020, pet. denied) (mem. op.).
- ***Duisberg v. City of Austin***, No. 07-20-00171-CV, 2020 WL 6122951 (Tex. App.—Amarillo Oct. 16, 2020, no. pet. hist.) (mem. op.).
- ***City of Fredericksburg v. E. 290 Owners' Coalition***, No. 04-20-00349-CV, 2021 WL 2445621 (Tex. App.—San Antonio June 16, 2021).





# Open Government

*Carowest Land, Ltd. v. City of New Braunfels*, No. 18-0678, 2020 WL 6811467  
(Tex. Nov. 20, 2020).

*Genuine Parts Co., Inc. v. Paxton*, No. 03-19-00441-CV, 2020 WL 3887973  
(Tex. App.—Austin July 10, 2020, no pet.) (mem. op.).

*City of Austin v. Doe*, No. 03-20-00136-CV, 2020 WL 7703126, (Tex. App.—  
Austin Dec. 29, 2020, no pet.) (mem. op.).



# Takings

*San Jacinto River Auth. v. Medina*, Nos. 19-0400; 19-0401; 19-0402, 2021 WL 1432227 (Tex. Apr. 16, 2021).

*Selinger v. City of McKinney*, No. 05-19-00545-CV, 2020 WL 3566722 (Tex. App.—Dallas July 1, 2020, no. pet. hist.) (mem. op.).

*Carrasco v. City of El Paso*, No. 08-20-00062-CV, 2021 WL 1712209 (Tex. App.—El Paso Apr. 30, 2021, no. pet. hist.).



# Torts

*VIA Metropolitan Transit v. Curtis Meck*, No. 18-0458, 2020 WL 3479509 (Tex. June 26, 2020).

*City of Houston v. Houston*, No. 01-19-00255-CV, 2020 WL 4982675 (Tex. App.—Houston [1st Dist.] Aug. 25, 2020, no pet.).

*Rivera v. City of Houston*, No. 01-19-00629-CV, 2020 WL 7502054 (Tex. App.—Houston Dec. 22, 2020, no pet.) (mem. op.).



# Torts-Fire Trucks!

*White v. City of Houston*, No. 01-20-00415-CV, 2021 WL 1133152 (Tex. App.—Houston [1st Dist.] Mar. 25, 2021, no. pet. hist.).

*City of Kingsville v. Dominguez*, No. 13-19-00236-CV, 2020 WL 2776543 (Tex. App.—Corpus Christi May 28, 2020, no pet.) (mem. op.).

*City of San Antonio v. Smith*, No. 04-20-00077-CV, 2020 WL 6928400 (Tex. App.—San Antonio Nov. 25, 2020, no pet.) (mem. op.).



## **City (Entity) Wins**

1. City of Dallas v. West, No. 05-19-01540-CV
2. Harris Cty. Hosp. Dist. v. Peavy, No. 14-19-00953-CV
3. City of Kingsville v. Dominguez, No. 13-19-00236-CV
4. Shaw v. City of Dallas, No. 05-19-01233-CV
5. City of Brownsville v. Rattray, No. 13-19-00556-CV
6. Texas Dep't of Pub. Safety v. Kendziora, No. 09-19-00432-CV
7. Gonzales v. City of Farmers Branch, No. 06-20-00054-CV
8. City of Dallas v. Mazzaro, No. 05-20-00103-CV
9. City of San Antonio v. Smith, No. 04-20-00077-CV, 2020 WL 6928400 (Tex. App.—San Antonio Nov. 25, 2020, no pet.) (mem. op.).
10. Garms v. Comanche Cty., No. 11-19-00015-CV, 2020 WL 7413991 (Tex. App.—Eastland Dec. 18, 2020, no pet.) (mem. op.).
11. Self v. Wet Cedar Creek Mun. Util. Dist., No. 12-20-00082-CV, 2021 WL 56213 (Tex. Ct. App.—Tyler Jan. 6, 2021, no. pet. hist.) (mem. op.).
12. City of Austin v. Credeur, No. 03-19-00358-CV, 2021 WL 501110 (Tex. App.—Austin Feb. 11, 2021, no. pet. hist.).
13. City of Dallas v. De Garcia, No. 05-20-00636-CV, 2021 WL 777087 (Tex. App.—Dallas Mar. 1, 2021, no. pet. hist.).
14. Dallas Cty. Hosp. Dist. v. Bravo, No. 05-20-00640-CV-actual knowledge
15. Pryor v. Moore, No. 12-20-00137-CV-sued both
16. City of Dallas v. Estate of Yolanda Jeanne Webber, No. 05-20-00669-CV-not cause of injury
17. City of San Antonio v. Anderson, No. 04-20-00320-CV-actual knowledge
18. City of San Antonio v. Realme, No. 04-20-00119-CV-licensee
19. Flores v. Verastegui, No. 11-18-00166-CV-jury no causation
20. Texas Dep't of Transp. v. Ives, No. 05-18-01527-CV-actual knowledge
21. City of Dallas v. Kennedy, No. 05-19-01299-actual knowledge
22. City of Houston v. Houston, No. 01-19-00255-CV-health care liability
23. White v. City of Houston, No. 01-20-00415-CV-use is emergency use
24. City of Victoria v. Redburn, No. 13-20-00213-CV-Reata
25. City of Houston v. Manning, No. 14-20-00051-CV-negligent hiring

## **Plaintiff's Case Moves Forward**

1. VIA Metropolitan Transit v. Curtis Meck, No. 18-0458-common carrier
2. City of Beaumont v. Isern, No. 09-19-00451-CV
3. City of San Antonio v. Hurón, No. 04-19-00570-CV
4. City of Houston v. Mejia, No. 14-19-00559-CV
5. Webb Cty. v. Lino, No. 04-19-00891-CV
6. City of Austin v. Anam, No. 03-19-00294-CV
7. City of El Paso v. Cangialosi, No. 08-19-00163-CV
8. Jefferson Cty. v. Reyes, No. 09-18-00236-CV
9. City of Houston v. Hussein, No. 01-18-00683-CV
10. Ledesma v. City of Houston, No. 01-19-00034-CV
11. City of Blue Ridge v. Rappold, No. 05-19-00961-CV
12. City of Laredo v. Sanchez, No. 04-20-00402-CV
13. Rivera v. City of Houston, No. 01-19-00629-CV
14. Metropolitan Transit Auth. of Harris Cty. v. Carr, No. 14-19-00158-CV
15. City of Saginaw v. Cruz, No. 05-19-01141-CV-constructive knowledge
16. City of Austin d/b/a Austin Energy v. Lopez, No. 03-19-00786-CV-breach of duty of care





# MORE CASES AND QUESTIONS

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