



Curry Case Ruling

Centers, as units of local government are afforded protection from lawsuits under the Texas Tort Claims Act. Centers are granted immunity from suit unless an individual is injured by tangible property owned by the center. The most frequent claim, prior to the pandemic, was an injury sustained in a car accident involving a center owned vehicle. The Tort Claims Act also provides that if immunity is waived and the center is sued, the limits are \$100,000. State government and municipalities have a higher cap of \$250,000.

The Gulf Coast Center had a contract with the city to manage their city bus service. Daniel Curry was crossing the street when he was hit by such a bus driven by a Gulf Coast employee. Curry sued Gulf Coast for his resulting injuries. Curry's lawsuit alleges that Gulf Coast is a "governmental unit" and that the Tort Claims Act waived Gulf Coast's immunity from suit and from liability. In its answer, Gulf Coast agreed that it is a governmental unit and alleges that it is "protected from suit and liability by the doctrine of governmental immunity" and that its liability, if any, is limited by the Act.

Following a trial, the jury found Gulf Coast negligent and awarded Curry \$216,000. Curry sought judgment for the full amount of the verdict plus interest and costs, asserting that the total "does not exceed the applicable \$250,000.00 statutory cap." Gulf Coast objected, arguing (among other things) that the Tort Claims Act capped its liability at \$100,000 and the judgment thus could not exceed that amount. The trial court overruled Gulf Coast's objection and rendered judgment as Curry requested. Gulf Coast filed a motion to reform the judgment to comply with the \$100,000 cap, which the trial court denied, and the case was referred to the court of appeals.

The cap for Units of Local Government as outlined in the Civil Practices and Remedies Code Chapter 101 (the Tort Claims Act). Sec. 101.023. LIMITATION ON AMOUNT OF LIABILITY (b) Except as provided by Subsection (c), liability of a unit of local government under this chapter is limited to money damages in a maximum amount of \$100,000 for each person and \$300,000 for each single occurrence for bodily injury or death and \$100,000 for each single occurrence for injury to or destruction of property. Subsection (c) pertains to the limit of liability for a municipality which is \$250,000 for each person and \$500,000 for each single occurrence.

The court of appeals affirmed the judgment for Curry. 644 S.W.3d 370 (Tex. App.—Houston [1st Dist.] 2020). Gulf Coast petitioned for review, asking the Court to render judgment consistent with the Act. The case was then sent to the Texas Supreme Court and oral arguments were heard on September 22, 2022.

On December 30, 2022, the Supreme Court held for the Gulf Coast Center in an opinion that is important for all centers. The issue in this case is whether the Act's caps on the amount of a governmental unit's liability prevents the trial court's jurisdiction to render a judgment exceeding the cap. The Supreme Court held that it did. A governmental

defendant retains its immunity from suit as to a claim that exceeds the applicable damages cap, so courts cannot render a judgment for an amount exceeding the cap. Supreme Court Case No. 20-0856.

In a footnote, Curry argued that running a public bus service was not a part of the centers' statutory authority, the Court states that the center was still a unit of local government and the \$100,000 cap applied.

Plaintiffs have tried in the past to challenge both the centers' governmental status and the Tort Claims Act caps. This case firmly establishes both the centers' status and their caps.