

FIFTEENTH COURT OF APPEALS OF TEXAS

State of Texas, Acting by and Through the Texas Facilities
Commission, for and on Behalf of the Texas Health and Human
Services Commission; The Texas Facilities Commission; Mike Novak,
in His Official Capacity as Executive Director of the Texas Facilities
Commission; The Texas Health and Human Services Commission;
and Rolland Niles in His Official Capacity as Deputy Executive
Commissioner for the System Support Services Division of the Texas
Health and Human Services Commission v. 8317 Cross Park, LLC

No. 15-25-00012-CV (Tex. App.—15th Dist. Apr. 21, 2026) · No. No. 15-25-00012-CV · Decided April 21,
2026

SUMMARY

The Texas Fifteenth Court of Appeals reviewed the denial of a plea to the jurisdiction in a dispute concerning the State of Texas's termination of an office-space lease with 8317 Cross Park, LLC. The court held that sovereign immunity barred Cross Park's breach-of-lease claims against the State, the Texas Facilities Commission, and the Texas Health and Human Services Commission, and that Cross Park failed to plead a viable ultra vires claim against Rolland Niles. The court held that Cross Park sufficiently pleaded a prospective ultra vires claim against Mike Novak based on alleged violations of Texas Facilities Commission regulations, reversed in part, affirmed in part, and remanded.

CASE DETAILS

COURT	Fifteenth Court of Appeals of Texas
WRITING FOR THE COURT	April Farris; Chief Justice Brister; Justice Field; Justice Farris
JURISDICTION	Texas Court of Appeals, Fifteenth Court of Appeals
DECIDED	April 21, 2026
DOCKET	No. 15-25-00012-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal from an order granting in part and denying in part defendants' plea to the jurisdiction based on sovereign immunity.

STANDARD OF REVIEW	A plea to the jurisdiction presents a question of law reviewed de novo. The court begins with the live pleadings, construes them liberally in the plaintiff's favor, and accepts allegations as true unless challenged with evidence. The plea must be granted when the pleadings affirmatively negate jurisdiction or undisputed evidence negates it.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	State of Texas, acting by and through the Texas Facilities Commission, for and on behalf of the Texas Health and Human Services Commission, Texas Facilities Commission, Mike Novak, in his official capacity as Executive Director of the Texas Facilities Commission, Texas Health and Human Services Commission, Rolland Niles, in his official capacity as Deputy Executive Commissioner for the System Support Services Division of the Texas Health and Human Services Commission v. 8317 Cross Park, LLC

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QUESTIONS PRESENTED

1. Whether Cross Park's breach-of-lease claim against the State, TFC, and HHSC was barred by sovereign immunity and whether Chapter 114 of the Texas Civil Practice and Remedies Code waived that immunity.
2. Whether Cross Park sufficiently pleaded an ultra vires claim against Niles based on his failure to certify that funds were available for the lease.
3. Whether Cross Park sufficiently pleaded an ultra vires claim against Novak based on alleged violations of TFC lease-termination regulations.
4. Whether Cross Park's declaratory-judgment claim concerning legislative appropriations was barred by sovereign immunity or failed to present a declaration that would actually resolve a justiciable controversy.

HOLDINGS

1. Chapter 114 does not waive sovereign immunity for Cross Park's breach-of-lease claim. The State was the only party to the lease, the State is not a state agency as defined by Chapter 114, and TFC and HHSC did not enter into the lease.

2. Cross Park failed to sufficiently allege a viable ultra vires claim against Niles because Niles's determination of the availability of funds under Section 2167.101 was discretionary, not a purely ministerial act.
3. Cross Park sufficiently pleaded an ultra vires claim against Novak based on alleged violations of TFC regulations governing lease cancellation requests and notice to the Governor's Office. The court did not decide whether Novak violated the lease itself.
4. Cross Park's UDJA claims against the State, TFC, HHSC, and Niles were barred because the requested declaration concerning legislative appropriations would not actually resolve the underlying controversies. The court did not reach the UDJA claim against Novak.

KEY QUOTATIONS

“To succeed on an ultra vires claim, a party must “allege, and ultimately prove, that the officer acted without legal authority or failed to perform a purely ministerial act.”” (at 7)

“We conclude that while governmental immunity generally bars suits for retrospective monetary relief, it does not preclude prospective injunctive remedies” (at 13)

“A declaratory judgment requires a justiciable controversy as to the rights and status of parties actually before the court for adjudication, and the declaration sought must actually resolve the controversy.” (at 14)

FACTUAL BACKGROUND

The State, through TFC, entered a long-term lease for office space occupied by HHSC, with the lease extended through August 31, 2028. The lease made continuation contingent on the availability of appropriated state funds and permitted termination if such funds were unavailable. Although the Legislature appropriated substantial funds for state lease costs for fiscal years 2024 and 2025, Novak sent Cross Park a termination notice stating that money was unavailable, and Niles later certified funds for most HHSC leases but not the Cross Park lease. Cross Park sued, asserting breach-of-lease, ultra vires, and declaratory-judgment claims.

PROCEDURAL HISTORY

Cross Park sued the State, TFC, HHSC, Novak, Niles, and others over termination of a state lease and alleged nonpayment of rent. The trial court granted the plea to the jurisdiction as to claims against Young and Hegar but denied it as to all claims against the appellants. The appellants appealed, and the court reversed in part, affirmed in part, rendered judgment dismissing several claims, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The court reversed the trial court's order denying the plea to the jurisdiction as to the breach-of-lease claim against the State Entities, the ultra vires claim against Niles, and the UDJA claim against the State Entities and

Niles; rendered judgment dismissing those claims; affirmed the order as to Novak's alleged TFC-regulation violations; and remanded for further proceedings consistent with the opinion.

CASES CITED

- State v. Broadmoor Austin Associates, No. 15-25-00013-CV, 2026 WL 668284 (Tex. App.—15th Dist. Mar. 10, 2026, no pet. h.) (mem. op.)
- Christ v. Texas Department of Transportation, 664 S.W.3d 82, 86 (Tex. 2023)
- State v. Holland, 221 S.W.3d 639, 642 (Tex. 2007)
- Heckman v. Williamson County, 369 S.W.3d 137, 150 (Tex. 2012)
- Texas Department of Parks & Wildlife v. Miranda, 133 S.W.3d 217, 226-27 (Tex. 2004)
- City of Houston v. Houston Municipal Employees Pension System, 549 S.W.3d 566, 576 (Tex. 2018)
- City of El Paso v. Heinrich, 284 S.W.3d 366, 368-69, 372 (Tex. 2009)
- Southwestern Bell Telephone, L.P. v. Emmett, 459 S.W.3d 578, 587 (Tex. 2015)
- Stafford v. Stafford, 726 S.W.2d 14, 15 (Tex. 1987)
- Barr v. White Oak State Bank, 677 S.W.2d 707, 710 (Tex. App.—Tyler 1984, writ ref'd n.r.e.)
- Hartzell v. S.O., 672 S.W.3d 304, 311 (Tex. 2023)
- Brooks v. Northglen Ass'n, 141 S.W.3d 158, 163-64 (Tex. 2004)
- Texas Natural Resource Conservation Commission v. IT-Davy, 74 S.W.3d 849, 855 (Tex. 2002)