

COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS
CHRISTI–EDINBURG

Texas Military Department v. Juan Antonio Lopez and Mayra Lopez,
Individually and as Next Friends of J.L., a Minor, Marco Antonio
Lopez, and Angel Lopez

No. 13-25-00150-CV (Tex. App.—Corpus Christi–Edinburg Dec. 18, 2025) · No. 13-25-00150-CV · Decided
December 18, 2025

SUMMARY

The Thirteenth Court of Appeals of Texas held that the Texas Tort Claims Act’s exception for claims arising from activities of the state military forces applied to a collision involving a Texas Military Department employee on active duty. The court concluded that the employee’s authorized stop for personal comfort while on patrol remained within the scope of activities covered by the exception. It reversed the trial court’s denial of the plea to the jurisdiction and rendered judgment dismissing the case for want of jurisdiction.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Justice Ysmael D. Fonseca; Chief Justice Tijerina; Justice Cron; Justice Fonseca
JURISDICTION	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
DECIDED	December 18, 2025
DOCKET	13-25-00150-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Accelerated interlocutory appeal from the denial of the Texas Military Department's plea to the jurisdiction based on sovereign immunity.
STANDARD OF REVIEW	The denial of a plea to the jurisdiction is reviewed de novo. When the plea challenges jurisdictional facts, the standard mirrors summary judgment: the court takes as true evidence favorable to the nonmovant, indulges reasonable inferences in the nonmovant's favor, and disregards contrary evidence if a reasonable factfinder could do so.

PRECEDENTIAL VALUE	Published opinion
PARTIES	Texas Military Department v. Juan Antonio Lopez, Mayra Lopez, individually and as next friend of J.L., a minor, Marco Antonio Lopez, Angel Lopez

TOPICS

subject matter jurisdiction appellate procedure statutory interpretation civil procedure military law

PRACTICE AREAS

Sovereign immunity Texas Tort Claims Act Military law Interlocutory appeals Subject-matter jurisdiction

QUESTIONS PRESENTED

1. Whether the Texas Tort Claims Act's state-military-forces exception to the motor-vehicle waiver of sovereign immunity applies when an active-duty servicemember, while on shift and operating a state-issued vehicle, stops for personal comforts such as food or restroom use and is involved in a collision while resuming patrol.
2. Whether the servicemember's activity must have been specifically ordered by competent authority for section 101.054 of the Texas Civil Practice and Remedies Code to preserve sovereign immunity.

HOLDINGS

1. The claim arose from activities of the state military forces because Arreola was on active duty under lawful orders of the adjutant general, was on shift in uniform and in a TMD vehicle, and was engaged in patrol-related activity when the alleged negligence occurred.
2. Stopping during a shift to use the restroom, obtain food, or otherwise attend to personal comforts did not take Arreola outside the scope of his activities as a state military forces member under section 101.054.
3. Because the TTCA's motor-vehicle waiver did not apply to the claim, the trial court lacked subject-matter jurisdiction and the case had to be dismissed.

KEY QUOTATIONS

“The phrase “under the lawful orders of competent authority” modifies “on active duty,” not “activities.” Thus, for the exception to apply, the servicemember must have been lawfully ordered to active duty by competent authority, but the actual “activity” upon which the claim is based need not be specifically ordered by competent authority.” (8)

“In sum, we hold that this claim arises from the activities of the state military forces because, at the time he committed the alleged negligent acts, Arreola was on active duty pursuant to the orders of the adjutant general to assist JTF-OLS.” (13)

“We further hold that stopping for these purposes while on shift does not take state military personnel outside the scope of their activities under the statute.” (14)

FACTUAL BACKGROUND

On October 10, 2023, Sergio Eduardo Arreola, a senior airman assigned to the Texas Military Department, was driving a state-issued vehicle while on state active duty supporting Joint Task Force—Operation Lone Star. During his shift and while patrolling, he received permission to stop at a Stripes convenience store to use the restroom, refuel, and obtain food. As he exited the parking lot in the state vehicle, it collided with a vehicle operated by Juan Antonio Lopez and occupied by the other appellees, who alleged negligence and personal injuries.

PROCEDURAL HISTORY

The Lopezes sued the Texas Military Department after a collision involving a state-issued vehicle driven by TMD servicemember Sergio Eduardo Arreola. TMD filed a plea to the jurisdiction asserting that sovereign immunity was preserved by the state-military-forces exception to the Texas Tort Claims Act's motor-vehicle waiver. The trial court denied the plea, and TMD brought an interlocutory appeal under Texas Civil Practice and Remedies Code section 51.014(a)(8).

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

None. The court reversed the denial of TMD's plea to the jurisdiction and rendered judgment dismissing the case for want of jurisdiction.

CASES CITED

- Travis Cent. Appraisal Dist. v. Norman, 342 S.W.3d 54 (Tex. 2011)
- Herrera v. Mata, 702 S.W.3d 538 (Tex. 2024)
- Suarez v. City of Texas City, 465 S.W.3d 623 (Tex. 2015)
- Hous. Belt & Terminal Ry. Co. v. City of Houston, 487 S.W.3d 154 (Tex. 2016)
- In re Est. of Slaughter, 305 S.W.3d 804 (Tex. App.—Texarkana 2010, no pet.)
- Quick v. City of Austin, 7 S.W.3d 109 (Tex. 1998)
- Town of Shady Shores v. Swanson, 590 S.W.3d 544 (Tex. 2019)
- Jones v. Turner, 646 S.W.3d 319 (Tex. 2022)
- Tex. Tech. Univ. Sys. v. Martinez, 691 S.W.3d 415 (Tex. 2024)
- Ryder Integrated Logistics, Inc. v. Fayette County, 453 S.W.3d 922 (Tex. 2015) (per curiam)
- City of Corpus Christi v. Muller, No. 13-18-00443-CV, 2019 WL 2384162 (Tex. App.—Corpus Christi—Edinburg June 6, 2019) (mem. op.)
- Bland Indep. Sch. Dist. v. Blue, 34 S.W.3d 547 (Tex. 2000)
- Alamo Heights Independent School District v. Catherine Clark, Alamo Heights Indep. Sch. Dist. v. Clark, 544 S.W.3d 755 (Tex. 2018)

- City of San Antonio v. Maspero, 640 S.W.3d 523 (Tex. 2022)
- City of Austin v. Powell, 704 S.W.3d 437 (Tex. 2024)
- Rattray v. City of Brownsville, 662 S.W.3d 860 (Tex. 2023)
- Ferchichi v. Whataburger Rests. LLC, 713 S.W.3d 330 (Tex. 2025)
- City of San Antonio v. City of Boerne, 111 S.W.3d 22 (Tex. 2003)
- City of Rockwall v. Hughes, 246 S.W.3d 621 (Tex. 2008)
- Tex. Adjutant Gen.'s Off. v. Ngakoue, 408 S.W.3d 350 (Tex. 2013)
- Tex. Mil. Dep't v. Estrada, No. 04-25-00299-CV, 2025 WL 2408733 (Tex. App.—San Antonio Aug. 20, 2025) (mem. op.)
- Emps. Cas. Co. v. Bratcher, 823 S.W.2d 719 (Tex. App.—El Paso 1992, writ denied)
- Berry Contracting, L.P. v. Mann, 549 S.W.3d 314 (Tex. App.—Corpus Christi–Edinburg 2018, pet. denied)
- Tex. Mut. Ins. Co. v. Jerrols, 385 S.W.3d 619 (Tex. App.—Houston [14th Dist.] 2012, pet. dism'd)
- Yeldell v. Holiday Hills Ret. & Nursing Ctr., Inc., 701 S.W.2d 243 (Tex. 1985)
- Mitchell v. Ellis, 374 S.W.2d 333 (Tex. App.—Fort Worth 1963, writ ref'd)
- Hudiburgh v. Palvic, 274 S.W.2d 94 (Tex. App.—Beaumont 1955, writ ref'd n.r.e.)
- Am. Zurich Ins. Co. v. Miller, No. 01-22-00666-CV, 2023 WL 5535678 (Tex. App.—Houston [1st Dist.] Aug. 18, 2023) (mem. op.)
- Zurich Am. Ins. Co. v. McVey, 339 S.W.3d 724 (Tex. App.—Austin 2011, pet. denied)
- Pinkus v. Hartford Cas. Ins. Co., 487 S.W.3d 616 (Tex. App.—Dallas 2015, pet. denied)