

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

City of Austin v. Adam Sahyouni

City of Austin v. Sahyouni, No. 03-23-00416-CV (Tex. App.—Austin Jan. 30, 2026) · No. 03-23-00416-CV ·
Decided January 30, 2026

SUMMARY

The Texas Court of Appeals, Third District, at Austin, held that the City of Austin retained governmental immunity under the Texas Tort Claims Act’s emergency exception for claims arising from an automobile collision involving an Austin police officer responding to an emergency call. Applying *City of Austin v. Powell*, the court concluded that the plaintiff did not establish either noncompliance with laws applicable to emergency action or recklessness by the officer. The court reversed the order denying the City’s plea to the jurisdiction and rendered judgment dismissing the case for lack of subject-matter jurisdiction.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Rosa Lopez Theofanis; Justices Triana; Crump
JURISDICTION	Texas Court of Appeals, Third District, at Austin
DECIDED	January 30, 2026
DOCKET	03-23-00416-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The City of Austin brought an interlocutory appeal under Texas Civil Practice and Remedies Code section 51.014(a)(8) from the trial court's denial of its plea to the jurisdiction based on governmental immunity and the emergency exception to the Texas Tort Claims Act.
STANDARD OF REVIEW	The court reviews a ruling on a plea to the jurisdiction de novo. When the plea challenges the existence of jurisdictional facts, the court considers the relevant evidence, takes evidence favorable to the nonmovant as true, indulges every reasonable inference in the nonmovant's favor, and must deny the plea only if the evidence raises a genuine issue of material fact concerning the applicability of an immunity waiver.
PRECEDENTIAL VALUE	Published

PARTIES

City of Austin v. Adam Sahyouni

TOPICS

subject matter jurisdiction

interlocutory appeal

municipal liability

negligence

standard of review

PRACTICE AREAS

governmental immunity

Texas Tort Claims Act

municipal liability

personal injury

appellate procedure

QUESTIONS PRESENTED

1. Whether the Texas Tort Claims Act emergency exception withdrew any waiver of the City's governmental immunity for Sahyouni's claims.
2. Whether Sahyouni raised a genuine issue of material fact that the officer failed to comply with a law or ordinance applicable to emergency action.
3. Whether Sahyouni raised a genuine issue of material fact that the officer acted with conscious indifference or reckless disregard for the safety of others.

HOLDINGS

1. Texas Transportation Code sections 545.103 and 545.351 are generally applicable traffic rules, not laws specifically applicable to emergency action, and therefore do not satisfy the first inquiry under the Texas Tort Claims Act emergency exception.
2. Sahyouni did not raise a genuine issue of material fact that the officer acted recklessly or with conscious indifference or reckless disregard for the safety of others. The evidence showed, at most, negligence or a momentary lapse in judgment.
3. The City retained governmental immunity under the TTCA emergency exception, Sahyouni failed to affirmatively demonstrate a waiver of immunity, and the trial court therefore lacked subject-matter jurisdiction over his claims.

KEY QUOTATIONS

“First, the court must assess whether any laws or ordinances apply to the emergency action at issue in the case.” (at 9)

“The second inquiry is triggered only if no law or ordinance governs the emergency action at issue or any part of it.” (at 9)

“But “[r]ecklessness requires more” than allegations of negligence.” (at 12)

“On this record, we cannot conclude that any evidence is sufficient to raise a fact question that the officer consciously disregarded others’ safety by driving too quickly under these circumstances.” (at 13)

FACTUAL BACKGROUND

An Austin police officer responding to a highest-priority emergency call drove with emergency lights and sirens and collided with Sahyouni's vehicle, which was stopped at a red light. The officer estimated that he was traveling about 70 miles per hour before braking for a familiar sharp turn, where his patrol car skidded on gravel, crossed an island, and struck Sahyouni's vehicle. Sahyouni alleged negligence and negligence per se based on the officer's speed, failure to keep a proper lookout, failure to brake or turn safely, and failure to warn. The evidence showed that the officer was responding to an emergency, was familiar with the route, observed traffic conditions, braked, and attempted to steer away from stopped traffic.

PROCEDURAL HISTORY

Sahyouni sued the City of Austin for personal-injury and property damages arising from a collision with an Austin police officer responding to a high-priority emergency call. The City filed a plea to the jurisdiction asserting governmental immunity under the Texas Tort Claims Act emergency exception. The trial court denied the plea without explanation, and the City appealed. The appeal was abated pending the Texas Supreme Court's decision in *City of Austin v. Powell*, then reinstated after *Powell* was issued.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

None. The court reversed the order denying the plea to the jurisdiction and rendered judgment dismissing the case for lack of subject-matter jurisdiction.

CASES CITED

- *City of Austin v. Powell*, 704 S.W.3d 437 (Tex. 2024)
- *City of Conroe v. San Jacinto River Authority*, 602 S.W.3d 444, 457 (Tex. 2020)
- *Rattray v. City of Brownsville*, 662 S.W.3d 860, 865–66 (Tex. 2023)
- *City of Austin v. Quinlan*, 669 S.W.3d 813, 818 (Tex. 2023)
- *Texas Department of Parks & Wildlife v. Miranda*, 133 S.W.3d 217, 227 (Tex. 2004)
- *City of San Antonio v. Maspero*, 640 S.W.3d 523, 528–29, 531–32 (Tex. 2022)
- *University of Texas at Austin v. Hayes*, 327 S.W.3d 113, 116 (Tex. 2010)
- *City of San Antonio v. Hartman*, 201 S.W.3d 667, 672 n.19, 673 (Tex. 2006)
- *City of Amarillo v. Martin*, 971 S.W.2d 426, 428, 430 (Tex. 1998)
- *City of Houston v. Green*, 672 S.W.3d 27, 31 (Tex. 2023)
- *Hammer v. Hammer*, No. 03-18-00715-CV, 2021 Tex. App. LEXIS 3740, at *4–5 (Tex. App.—Austin May 13, 2021, no pet.) (mem. op.)