

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

Texas Department of Transportation v. Christopher Gover,
Individually and as Next Friend of C.G., I.G., S.G., and J.G., Minor
Children

Gover · No. 13-24-00263-CV · Decided April 30, 2026

SUMMARY

The Texas Department of Transportation appealed a judgment awarding damages to Christopher Gover and his children after a TxDOT ferry collision. The Thirteenth Court of Appeals held that legally sufficient evidence supported the jury's finding that the ferry captain was not reacting to an emergency and that expert testimony was not required, or was otherwise provided, to establish breach. The appeal also challenged the sufficiency of evidence supporting the children's pain and mental anguish damages, but the provided text ends before that issue is resolved.

CASE DETAILS

COURT	Texas Court of Appeals, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Justice L. Aron Peña Jr.; Justice Silva; Justice Peña; Justice Fonseca
JURISDICTION	Texas Court of Appeals, Thirteenth District, Corpus Christi–Edinburg
DECIDED	April 30, 2026
DOCKET	13-24-00263-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a judgment entered after a jury trial in a negligence action against the Texas Department of Transportation. TxDOT challenged subject-matter jurisdiction under the Texas Tort Claims Act emergency exception, the sufficiency of the evidence of breach, and the sufficiency of the evidence supporting the children's damages awards.
STANDARD OF REVIEW	Legal sufficiency review applies to TxDOT's preserved challenges. Because the emergency-exception challenge was raised after trial and the jury's findings bore on subject-matter jurisdiction, the court reviewed whether legally sufficient evidence supported the jury's determination that the emergency exception did not apply. The court measured the evidence against the unobjected-to jury charge, viewed

	evidence favorable to the verdict, and indulged reasonable inferences supporting it. Whether expert testimony was required was reviewed de novo. Legal sufficiency of the damages award was reviewed under the no-evidence standard.
PRECEDENTIAL VALUE	published
PARTIES	Texas Department of Transportation v. Christopher Gover, individually and as next friend of C.G., I.G., S.G., and J.G., minor children

TOPICS

personal injury

negligence

appellate procedure

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Texas Tort Claims Act's emergency exception deprived the trial court of subject-matter jurisdiction because the captain was reacting to an emergency situation.
2. Whether Gover was required to present expert testimony to establish breach of the standard of care, and whether the evidence was legally sufficient to establish breach.
3. Whether legally sufficient evidence supported the jury's awards of past physical pain and mental-anguish damages to Gover's children.

HOLDINGS

1. The evidence was legally sufficient to support the jury's finding that the captain was not reacting to an emergency situation as defined in the jury charge. Accordingly, TxDOT did not establish that the emergency exception barred the claim.
2. Expert testimony was not required to establish the alleged negligence based on failure to sound the ferry's horn before an imminent collision. In any event, the testimony of designated experts supplied legally sufficient evidence of the applicable standard of care and breach.
3. The evidence was legally insufficient to support the children's awards of past physical pain and mental-anguish damages. The judgment awarding those damages was reversed.

KEY QUOTATIONS

““EMERGENCY” means that if a person is confronted by an “emergency” arising suddenly and unexpectedly, which was not proximately caused by any negligence on his part and which, to a reasonable person, requires immediate action without time for deliberation, his conduct in such an emergency is not negligence or failure to use ordinary care if, after such emergency arises, he acts as a person of ordinary prudence would have acted under the same or similar circumstances.” (at 9)

“Viewing the evidence in a light most favorable to the verdict and indulging every reasonable inference to support it, we conclude that the evidence was legally sufficient to support the jury’s verdict that Hernandez was not responding to an emergency per the jury charge’s definition.” (at 12)

“We hold that Gover failed to present “direct evidence of the nature, duration, and severity of [his children’s] mental anguish, thus establishing a substantial disruption in the [their] daily routine.”” (at 18)

FACTUAL BACKGROUND

Christopher Gover and his four children were passengers on TxDOT's Charles Heald ferry when the ferry's forward engine lost power approximately forty-five seconds before landing. The captain attempted to slow the ferry by striking landing-guide clusters and the landing's fender system, but the ferry struck the landing ramp, damaging the ferry and Gover's truck. Gover experienced subsequent neck, back, and knee pain, while the children were frightened but were not shown to have suffered physical injuries or a substantial disruption of their daily routines.

PROCEDURAL HISTORY

Gover sued TxDOT after a TxDOT-operated ferry collided with the landing ramp, alleging negligence and seeking personal-injury and property damages for himself and his children. After a jury found that the ferry captain was not reacting to an emergency and that TxDOT's negligence proximately caused the injuries, the trial court denied TxDOT's motion for judgment notwithstanding the verdict and entered judgment for Gover and the children. The court of appeals affirmed the judgment in all respects except the awards of past physical pain and mental-anguish damages to the children, which it reversed for legally insufficient evidence.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The portion of the trial court's judgment awarding damages to the children is reversed; the judgment is affirmed in all other respects. The opinion does not state additional remand instructions.

CASES CITED

- Tex. Dep’t of Parks & Wildlife v. Miranda, 133 S.W.3d 217, 224-26 (Tex. 2004)
- Bland Indep. Sch. Dist. v. Blue, 34 S.W.3d 547, 554 (Tex. 2000)
- Rusk State Hosp. v. Black, 392 S.W.3d 88, 94 (Tex. 2012)
- City of San Antonio v. Hartman, 201 S.W.3d 667, 671-73 (Tex. 2006)
- City of Houston v. Rodriguez, 704 S.W.3d 462, 469 n.26 (Tex. 2024)
- City of Keller v. Wilson, 168 S.W.3d 802, 810, 819, 822, 827 (Tex. 2005)
- Chesser v. LifeCare Mgmt. Servs., L.L.C., 356 S.W.3d 613, 629, 634 n.24 (Tex. App.—Fort Worth 2011, pet. denied)
- St. Joseph Hosp. v. Wolff, 94 S.W.3d 513, 525 (Tex. 2002)

- State Off. of Risk Mgmt. v. Pena, 548 S.W.3d 84, 90 n.2 (Tex. App.—Corpus Christi–Edinburg 2018, no pet.)
- Seger v. Yorkshire Ins., 503 S.W.3d 388, 407 (Tex. 2016)
- Tex. Dep’t of Transp. v. Christ, 644 S.W.3d 202, 207 (Tex. App.—Corpus Christi–Edinburg 2021), aff’d, 664 S.W.3d 82 (Tex. 2023)
- Univ. of Tex. Med. Branch at Galveston v. York, 871 S.W.2d 175, 177 (Tex. 1994)
- City of San Antonio v. Smith, 562 S.W.3d 75, 83 (Tex. App.—San Antonio 2018, pet. denied)
- Quested v. City of Houston, 440 S.W.3d 275, 284 (Tex. App.—Houston [14th Dist.] 2014, no pet.)
- Tex. Dep’t of Pub. Safety v. Little, 259 S.W.3d 236, 238-39 (Tex. App.—Houston [14th Dist.] 2008, no pet.)
- Jefferson County v. Hadnot, 699 S.W.3d 787, 798 (Tex. App.—Beaumont 2024, no pet.)
- City of Houston v. Arellano, 654 S.W.3d 483, 488 (Tex. App.—Houston [14th Dist.] 2022, pet. denied)
- Janvey v. GMAG, L.L.C., 592 S.W.3d 125, 129 (Tex. 2019)
- Meija v. City of San Antonio, 759 S.W.2d 198, 200 (Tex. App.—San Antonio 1988, no writ)
- FFE Transp. Servs., Inc. v. Fulgham, 154 S.W.3d 84, 89-91 (Tex. 2004)
- Vaughn v. Vaughan, 710 S.W.3d 412, 418 (Tex. App.—Eastland 2025, pet. denied)
- Quick v. City of Austin, 7 S.W.3d 109, 116 (Tex. 1998)
- Roark v. Allen, 633 S.W.2d 804, 809 (Tex. 1982)
- Hager v. Romines, 913 S.W.2d 733, 735 (Tex. App.—Fort Worth 1995, no writ)
- Panhandle Steel Erectors, Inc. v. Cantu, No. 05-17-01495-CV, 2019 WL 3214147, at *4 (Tex. App.—Dallas July 17, 2019, pet. denied)
- Dillard v. Tex. Elec. Coop., 157 S.W.3d 429, 434 (Tex. 2005)
- Gen. Motors Corp. v. Burry, 203 S.W.3d 514, 549 (Tex. App.—Fort Worth 2006, pet. denied)
- Hospadales v. McCoy, 513 S.W.3d 724, 742 (Tex. App.—Houston [1st Dist.] 2017, no pet.)
- Figueroa v. Davis, 318 S.W.3d 53, 62 (Tex. App.—Houston [1st Dist.] 2010, no pet.)
- Hung Tan Phan v. An Ding Le, 426 S.W.3d 786, 794 (Tex. App.—Houston [1st Dist.] 2012, no pet.)
- Parkway Co. v. Woodruff, 901 S.W.2d 434, 444-45 (Tex. 1995)
- Med. Protective Co. v. Herrin, 235 S.W.3d 866, 869 (Tex. App.—Texarkana 2007, pet. denied)
- Saenz v. Fid. & Guar. Ins. Underwriters, 925 S.W.2d 607, 614 (Tex. 1996)