

SUPREME COURT OF TEXAS

City of Elsa, Texas v. M.A.L.

226 S.W.3d 390 (Tex. 2007) · No. No. 06-0516 · Decided June 1, 2007

SUMMARY

The Supreme Court of Texas held that a city charter's “sue and be sued” provision did not waive governmental immunity from suits seeking monetary damages. The Court also held that governmental entities may be sued for injunctive relief to remedy alleged violations of the Texas Constitution. The Court reversed and ordered dismissal of the monetary claims, while affirming remand of the constitutional claims for injunctive relief.

CASE DETAILS

|                    |                                                                                                                                                                          |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | Supreme Court of Texas                                                                                                                                                   |
| JURISDICTION       | Texas                                                                                                                                                                    |
| DECIDED            | June 1, 2007                                                                                                                                                             |
| DOCKET             | No. 06-0516                                                                                                                                                              |
| DISPOSITION        | reversed_and_remanded                                                                                                                                                    |
| PROCEDURAL POSTURE | The City filed an interlocutory appeal from the trial court's denial of its plea to the jurisdiction. The Supreme Court of Texas granted the City's petition for review. |
| STANDARD OF REVIEW | The court reviewed the denial of the City's plea to the jurisdiction in an interlocutory appeal.                                                                         |
| PRECEDENTIAL VALUE | published precedential opinion                                                                                                                                           |
| PARTIES            | City of Elsa, Texas v. M.A.L., et al.                                                                                                                                    |

TOPICS

- civil procedure
- municipal liability
- injunctions
- appellate procedure
- remedies

PRACTICE AREAS

- civil procedure
- constitutional law
- municipal law
- remedies

QUESTIONS PRESENTED

1. Whether a city-charter provision stating that the City may sue and be sued waives governmental immunity from suit for monetary damages.
2. Whether governmental entities may be sued directly for injunctive relief to remedy alleged violations of the Texas Constitution.
3. Whether the plaintiffs' constitutional claims for injunctive relief had to be dismissed because they were brought against the City rather than individual officials.

#### **HOLDINGS**

1. A sue-and-be-sued provision in a city charter does not, by itself, constitute an unambiguous waiver of governmental immunity from suit for monetary damages.
2. Governmental entities may be sued for injunctive relief to remedy violations of the Texas Constitution.

#### **KEY QUOTATIONS**

*““sue and be sued” provisions in city charters do not waive immunity from suit for monetary damages”*

*“governmental entities may be sued for injunctive relief under the Texas Constitution.”*

*“We therefore reverse the part of the court of appeals’ judgment that affirmed denial of the City’s plea to the jurisdiction as to the claims for monetary relief.”*

#### **FACTUAL BACKGROUND**

Three police officers resigned from the City of Elsa's police force after a local news station reported that they had left following positive drug tests. The officers alleged that the City improperly disclosed medical information and other confidential information and violated their privacy and constitutional rights. They sought monetary damages as well as equitable and injunctive relief.

#### **PROCEDURAL HISTORY**

Former City of Elsa police officers sued the City for alleged improper disclosure of medical and confidential information, asserting statutory and Texas constitutional claims and seeking monetary, equitable, and injunctive relief. The trial court denied the City's plea to the jurisdiction. The court of appeals affirmed the denial as to the statutory claims, reversed and remanded as to the constitutional claims, and held that monetary relief was unavailable but that the plaintiffs could seek equitable relief. The Supreme Court reversed the portion concerning monetary relief and ordered those claims dismissed, while affirming the remand of the injunctive-relief claims.

#### **DISPOSITION**

reversed\_and\_remanded

#### **REMAND INSTRUCTIONS**

The claims for monetary relief were ordered dismissed. The portion of the court of appeals' judgment remanding the claims for injunctive relief to the trial court was affirmed.

## CASES CITED

- Tooke v. City of Mexia, 197 S.W.3d 325, 344 (Tex. 2006)
- Reata Construction Corp. v. City of Dallas, 197 S.W.3d 371, 378 (Tex. 2006)
- Bagg v. University of Texas Medical Branch at Galveston, 726 S.W.2d 582, 584-85 (Tex. App.—Houston [14th Dist.] 1987, writ ref'd n.r.e.)
- City of Beaumont v. Bouillion, 896 S.W.2d 143, 144, 149 (Tex. 1995)
- Vriesendorp v. M.D. Anderson Cancer Center, No. 14-97-00354-CV, 1998 Tex. App. LEXIS 4146 (Tex. App. —Houston [14th Dist.] July 9, 1998, pet. denied) (not designated for publication)

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