

COURT OF APPEALS FOR THE SECOND APPELLATE DISTRICT OF TEXAS
AT FORT WORTH

City of Fort Worth v. JDB Towing, LLC

City of Fort Worth · No. 02-25-00431-CV · Decided February 12, 2026

SUMMARY

The Second Court of Appeals of Texas held that police-purpose towing constitutes a governmental function because it is an exercise of the City of Fort Worth's police power. The court concluded that governmental immunity barred JDB Towing's tortious-interference-with-contract claim and that the Texas Tort Claims Act does not waive immunity for intentional torts. The court reversed the trial court's order denying the City's jurisdictional motion and rendered judgment dismissing the claim for lack of subject-matter jurisdiction.

CASE DETAILS

COURT	Court of Appeals for the Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Bonnie Sudderth, Chief Justice; Marialyn Barnard Kerr, Justice; Wade Birdwell, Justice
JURISDICTION	Court of Appeals for the Second District of Texas at Fort Worth
DECIDED	February 12, 2026
DOCKET	02-25-00431-CV
DISPOSITION	reversed
PROCEDURAL POSTURE	The City brought an accelerated interlocutory appeal from the denial of its plea to the jurisdiction and motion to dismiss JDB's tortious-interference-with-contract claim.
STANDARD OF REVIEW	The court reviewed de novo both whether the claim arose from a proprietary or governmental municipal function and whether immunity was waived. In conducting that review, it considered the pleadings, factual assertions, and all relevant evidence in the record.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	City of Fort Worth v. JDB Towing, LLC

TOPICS

municipal liability

municipal law

appellate jurisdiction

subject matter jurisdiction

appellate procedure

PRACTICE AREAS

municipal law

governmental immunity

tortious interference

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether police-purpose towing is a governmental function under Texas law.
2. Whether the City's decision to contract with AutoReturn to manage police-purpose towing retained the governmental character of that function.
3. Whether governmental immunity was waived for JDB's intentional tort claim for tortious interference with contract.
4. Whether the trial court had subject matter jurisdiction over JDB's claim.

HOLDINGS

1. Police-purpose towing constitutes an exercise of the City's broader police power and is therefore a governmental function designated by Texas Civil Practice and Remedies Code section 101.0215(a)(1).
2. The City's decision to perform police-purpose towing through a private contractor was itself governmental because a municipality may perform a governmental function through private contractors.
3. The Texas Tort Claims Act does not waive governmental immunity for JDB's tortious-interference-with-contract claim because tortious interference is an intentional tort.
4. The trial court lacked subject matter jurisdiction over JDB's tortious-interference claim because the City was immune from liability and no valid TTCA waiver applied.

KEY QUOTATIONS

“If a function is included in this nonexclusive list of governmental functions, the [l]egislature has deemed it governmental in nature, and we have no discretion or authority to hold otherwise” (5-6)

“But the TTCA does not waive immunity for intentional torts such as tortious interference with contract.” (10)

FACTUAL BACKGROUND

The Fort Worth Police Department routinely arranged vehicle tows for police purposes, including removing hazards and securing stolen or crime-related vehicles. The City contracted with AutoReturn to manage the towing program, and AutoReturn assigned police-purpose towing requests to approved providers. After the Fort Worth Chief of Police removed JDB from the approved-provider list, JDB's licensing agreement with AutoReturn automatically terminated, causing JDB to allege lost towing business and tortious interference by the City.

PROCEDURAL HISTORY

JDB sued the City alleging that the City tortiously interfered with JDB's software-licensing agreement with AutoReturn by removing JDB from the City's list of approved police-purpose towing providers. The City moved to dismiss for lack of jurisdiction, asserting governmental immunity, and also included a summary-judgment request. The trial court denied the motion to dismiss, and the City brought an interlocutory appeal under Texas Civil Practice and Remedies Code section 51.014(a)(8). The appellate court reversed and rendered judgment dismissing the claim for lack of subject matter jurisdiction.

DISPOSITION

reversed

CASES CITED

- *Nettles v. GTECH Corp.*, 606 S.W.3d 726, 731 (Tex. 2020)
- *Tex. Dep't of Transp. v. Jones*, 8 S.W.3d 636, 638-39 (Tex. 1999)
- *Univ. of the Incarnate Word v. Redus*, 602 S.W.3d 398, 404-05 (Tex. 2020)
- *Hays St. Bridge Restoration Grp. v. City of San Antonio*, 570 S.W.3d 697, 703 (Tex. 2019)
- *Dallas/Fort Worth Int'l Airport Bd. v. Vizant Techs., LLC*, 576 S.W.3d 362, 366-67 (Tex. 2019)
- *Wasson Ints., Ltd. v. City of Jacksonville*, 559 S.W.3d 142, 146, 150 (Tex. 2018) (Wasson II)
- *Wheelabrator Air Pollution Control, Inc. v. City of San Antonio*, 489 S.W.3d 448, 451-52 & n.3 (Tex. 2016)
- *City of Westworth Vill. v. City of White Settlement*, 558 S.W.3d 232, 241 (Tex. App.—Fort Worth 2018, pet. denied)
- *Matzen v. McLane*, 659 S.W.3d 381, 388 (Tex. 2021)
- *City of Houston v. Hous. Mun. Emps. Pension Sys.*, 549 S.W.3d 566, 575 (Tex. 2018)
- *Wasson Ints., Ltd. v. City of Jacksonville*, 489 S.W.3d 427, 438-39 (Tex. 2016) (Wasson I)
- *Tooke v. City of Mexia*, 197 S.W.3d 325, 343 (Tex. 2006)
- *Tex. Bay Cherry Hill, L.P. v. City of Fort Worth*, 257 S.W.3d 379, 388-89 (Tex. App.—Fort Worth 2008, no pet.)
- *Hunnicut v. City of Webster*, 641 S.W.3d 584, 591-92 (Tex. App.—Houston [14th Dist.] 2022, no pet.)
- *Doe v. City of Fort Worth*, 646 S.W.3d 889, 898-99 (Tex. App.—Fort Worth 2022, no pet.)
- *City of Dallas v. Asemota*, No. 05-20-00664-CV, 2021 WL 777089, at *2-3 (Tex. App.—Dallas Mar. 1, 2021, no pet.) (mem. op.)
- *Goichman v. City of Aspen*, 859 F.2d 1466, 1470 (10th Cir. 1988)
- *Lacambra v. Cal. Dep't of Motor Vehicles*, No. 8:21-cv-01643, 2022 WL 508353, at *8 (C.D. Cal. Jan. 25, 2022)
- *Gillam v. Landrieu*, 455 F. Supp. 1030, 1037 (E.D. La. 1978)
- *Kurman v. City of Newark*, 304 A.2d 768, 771 (N.J. Super. Ct. App. Div. 1973)
- *Clark v. Storey Wrecker Serv., Inc.*, No. 03-CV-638, 2005 WL 8174776, at *7 (N.D. Okla. July 21, 2005) (order)
- *Lamesa v. Hutchinson*, 336 S.W.2d 861, 863-64 (Tex. App.—Eastland 1960, writ ref'd n.r.e.)

- PKG Contracting, Inc. v. City of Mesquite, 197 S.W.3d 388, 388-89 (Tex. 2006)
- City of San Antonio v. Butler, 131 S.W.3d 170, 177-78 (Tex. App.—San Antonio 2004, pet. denied)
- City of McKinney v. KLA Int’l Sports Mgmt, LLC, No. 05-20-00659-CV, 2021 WL 389096, at *3 (Tex. App.—Dallas Feb. 4, 2021, no pet.)
- Santander Consumer USA, Inc. v. City of San Antonio, No. 04-20-00341-CV, 2020 WL 7753730, at *9 (Tex. App.—San Antonio Dec. 30, 2020, no pet.)
- Tex. Nat. Res. Conservation Comm’n v. IT-Davy, 74 S.W.3d 849, 853 (Tex. 2002)
- City of Houston v. Sw. Concrete Constr., Inc., 835 S.W.2d 728, 730 (Tex. App.—Houston [14th Dist.] 1992, writ denied)
- Ethio Express Shuttle Serv., Inc. v. City of Houston, 164 S.W.3d 751, 758 (Tex. App.—Houston [14th Dist.] 2005, no pet.)
- United Parcel Serv., Inc. v. Tasdemiroglu, 25 S.W.3d 914, 916 (Tex. App.—Houston [14th Dist.] 2000, pet. denied)
- Cincinnati Life Ins. v. Cates, 927 S.W.2d 623, 625 (Tex. 1996)

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