



Case Summaries September 16, 2022

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OPINIONS

GOVERNMENTAL IMMUNITY

Texas Torts Claims Act

Leach v. City of Tyler, ___ S.W.3d ___, 2022 WL ___ (Tex. Sept. 16, 2022) (per curiam) [\[21-0606\]](#)

In this personal injury case, the City of Tyler argued that Leondra Leach failed to establish that he gave the City proper notice as required under the Texas Torts Claims Act and the city charter.

Leach alleges that he was injured after an improperly secured piece of wood flew off the City's truck and hit him in the head. Under the Texas Torts Claims Act, a party must provide timely notice to the governmental entity; failure to do so deprives the trial court of jurisdiction over the claim.

The Supreme Court has held that filing a suit within six months of the alleged injury constitutes sufficient notice under the Act's first requirement. See TEX. CIV. PRAC. & REM. CODE § 101.101(a); *Colquitt v. Brazoria County*, 324 S.W.3d 539 (Tex. 2010). The court of appeals erred in deeming Leach's notice insufficient under that requirement because his lawsuit was filed four months after the incident.

The parties dispute whether Leach provided sufficient notice under the Act's second notice requirement, Section 101.101(b), which ratified notice requirements contained in city charters. The City of Tyler's charter requires notice within 30 days. Leach's employer filed a claims notice with the City seven days after the incident using a form made available by the City for use by claimants. That notice listed the employer, not Leach, on the top line. But the form also described the incident, included a description of Leach's injuries, and provided Leach's contact information.

The Supreme Court held that this information was sufficient to establish notice under the city charter and that the lower courts therefore erred in concluding that the district court lacked jurisdiction over Leach's claim. The Supreme Court therefore reversed and remanded for further proceedings.