



Case Summaries December 13, 2024

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DECIDED CASES

MEDICAL LIABILITY

Expert Reports

Walker v. Baptist St. Anthony's Hosp., ___ S.W.3d ___, 2024 WL ___ (Tex. Dec. 13, 2024) (per curiam) [[23-0010](#)]

This case concerns the sufficiency of expert reports under the Texas Medical Liability Act.

Kristen and Daniel Walker's son was born at Baptist St. Anthony's Hospital under Dr. Castillo's care. Immediately after birth, the baby suffered a medical emergency, thought to be a stroke, that required resuscitation. The Walkers sued the Hospital and Dr. Castillo for medical negligence and submitted expert reports by an obstetrician, a neonatologist, and a nurse in support of their claim.

The reports seek to show that certain actions and omissions by the Hospital and Dr. Castillo during the delivery fell below the standard of care and that had the Hospital and Dr. Castillo met the standard of care, the baby's injuries could have been avoided. The Hospital and Dr. Castillo objected to the reports and filed a motion to dismiss the Walkers' claims under the Act. The trial court denied the motion, finding that the reports provide a fair summary of the experts' views regarding the standard of care, breach, and causation. The court of appeals reversed reasoning that the reports include conclusory language and that they fail to sufficiently explain the cause of the baby's brain injury.

The Supreme Court reversed and remanded to the trial court for further proceedings. The Court held that the trial court did not abuse its discretion by finding that the reports reflect a good-faith effort to provide a fair summary of the experts' conclusions. Considered together, the first two reports explain how the Hospital's and Dr. Castillo's actions fell below the standard of care and how those breaches caused the baby's neurologic injury. Because the first two expert reports adequately address causation, the Court did not address the third report.

Justice Bland filed a concurring opinion that addresses the defendants' challenges to the experts' qualifications and to the proper standard of care.

GOVERNMENTAL IMMUNITY

Ultra Vires Claims

City of Buffalo v. Moliere, ___ S.W.3d ___, 2024 WL ___ (Tex. Dec. 13, 2024) (per curiam) [[23-0933](#)]

The issue in this case is whether a city's governing body had authority to terminate a police officer and therefore is immune from suit.

The City of Buffalo's City Council fired Gregory Moliere, a city police officer, after he violated department policy by engaging in a high-speed chase while a civilian was riding along, which resulted in an accident. Moliere sued the City, its mayor, and the City Council members, alleging that the City Council has no authority to fire him. The trial court dismissed Moliere's claims based on governmental immunity.

The court of appeals reversed. It held that there is a fact issue whether the City Council had authority to fire Moliere, so he properly alleged an ultra vires claim that should not have been summarily dismissed. The appellate court concluded that the Local Government Code requires the City Council to pass an ordinance specifically authorizing termination of police officers and that the City's policy manuals are ambiguous and therefore created a fact issue regarding the City Council's authority to terminate Moliere.

In a per curiam opinion, the Supreme Court reversed and held that, to the extent Moliere alleged an ultra vires claim based on the City Council's lack of authority to fire him, the trial court properly dismissed that claim. The Court noted that the Local Government Code authorizes the City Council to "establish and regulate" the City's police force and that the City Council passed an ordinance requiring its approval of all police officers' hiring or appointment. The Court concluded that the statute and ordinance, considered together, authorize the City Council as a matter of law to terminate Moliere. The Court remanded to the court of appeals to consider a previously unaddressed argument regarding Moliere's separate claim that the City Council members violated Moliere's due process when he was terminated.