

In The News

Trotter Featured in Texas Jury Verdict Review & Analysis

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Texas Jury Verdict Review & Analysis

Caleb Trotter was recently contacted by the *Texas Jury Verdict Review & Analysis* for comment regarding his recent win in *Silahis Hontiveros vs. The Colony and Swat Investments, LLC*. His comments, included in the "Featured Cases" portion of the April edition of, *Texas Jury Verdict Review & Analysis's*, are below:

This case was called to hearing on an appeal. On the day of the appeal, the plaintiff filed her "First Amended Petition" alleging civil damages stemming from the same tow. Counsel for the plaintiff attempted to include these separate civil claims in the same case as the probable cause appeal. Defendants The Colony Apartments (a wholly owned subsidiary of Price Realty) and Southwest Auto Towing Company appeared through counsel. The defendants presented evidence in the form of sworn testimony from representatives from both defendants that the actual reason the vehicle was towed was because it was leaking hazardous fluids. Under the Texas Occupations Code, parking facility owners and towing companies are exempted from the notice requirements in the statute in the event the vehicle in question is leaking hazardous materials.

Texas Jury Verdict Review & Analysis To post online or reprint click here for licensing agreement. After considering the testimony of both defendants' witnesses and the plaintiff, and after considering the arguments of defendants' counsel regarding the applicable statute, the court agreed with the defendants and found that probable cause existed for the defendants/appellees to tow the plaintiff/appellant's vehicle, and that the defendants were not required to provide notice to then plaintiff. The court entered a "Final Order" on April 1, 2013, affirming the decision from the lower court that the defendants had probable cause to tow the plaintiff's vehicle, and that the defendants were not required to provide notice of the tow. That order also dismissed the plaintiff's separate civil claims brought in the First Amended Petition.

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