The 1st part is from a divorce case I came across while looking for something else. It’s a Rule 13 discussion of whether a sanctions order’s finding were sufficient. I only changed the names to fit our case. They are sufficient! LOL

**The trial court filed findings of fact and conclusions of law:**

1. The suit was instituted by Attorney Bobbie G. Bayless, acting as counsel for Carl Henry Brunsting Individually and as Independent Executor for living trust Settlor’s Elmer and Nelva Brunsting.

2. Given the relationship of the parties and their history in other forums, which is evident from among other things, the Preliminary Injunction issued in the Southern District of Texas and the procedural history of the case, this litigation should have never been brought. The only purpose served by this litigation was to frustrate Appellant Candace Curtis interests in the family trust, undermine the authority of the federal court and keep Appellant Candace Curtis and her siblings from receiving the benefit of their parents living trust agreement which benefits also included the benefit of the settlors’ pour-over wills.

3. The litigation was groundless and brought in bad faith.

4. The litigation was groundless and brought for the purpose of harassing Appellant Candace Louise Curtis.

5. By groundless, Appellant means that the litigation and the positions taken by the Plaintiff and joined by Defendant Appellee’s had no basis in law or fact and were not warranted by good faith arguments for the extension, modification or reversal of existing law.

6. Both the Plaintiff Appellee and Defendant Appellees share responsibility for the institution and continued prosecution of the underlying suit.

7. Bobbie G. Bayless, a lawyer, advised Carl henry Brunsting, a client of hers, in connection with his role in the lawsuit and Stephen Anthony Mendel, a lawyer, advised Anita Brunsting, a client of his, in connection with her role in the lawsuit.

8. Defendant Appellee Anita Brunsting arranged for the representation of Stephen Mendel which appears as a matter of record and made arrangements for any compensation that would be paid to Defendant Appellees counsel which agreement does not appear in the record.

9. Bobbie G. Bayless, although ostensibly harmonious with Appellant acted adverse to Appellant and at all material times demonstrated cooperation with the Defendant Appellees.

10. The case was unnecessarily extended by the acts of the Plaintiff and Defendant Appellees.

11. The conduct of the Plaintiff Appellee and Defendant Appellees is sanctionable pursuant to Rule 13 of the Texas Rules of Civil Procedure.

12. The violation of Rule 13 justifies the award of attorney's fees in the amounts yet to be assessed and awarded to Appellant Candace Louise Curtis.

13. The amounts awarded to Appellant Candace Louise Curtis are the costs and reasonable necessary attorney's fees which the Court finds to be equitable and just under the circumstances of this case pursuant to § 37.009 of the Texas Civil Practice and Remedies Code.

### Standard of Review

A plea to the jurisdiction challenges the trial court's subject matter jurisdiction to hear the case. Bland Indep. Sch. Dist. v. Blue, [34 S.W.3d 547, 554](https://casetext.com/case/the-bland-independent-school-district-v-blue#p554) (Tex. 2000). Subject matter jurisdiction is essential to the authority of a court to decide a case and is never presumed. Tex. Ass'n of Bus. v. Tex. Air Control Bd., [852 S.W.2d 440, 443-44](https://casetext.com/case/texas-assn-of-business-v-texas-air-control-bd#p443) (Tex. 1993). The plaintiff has the burden to allege facts affirmatively demonstrating that the trial court has subject matter jurisdiction. Id. at 446; Richardson v. First Nat'l Life Ins. Co., [419 S.W.2d 836, 839](https://casetext.com/case/richardson-v-first-nat-life-ins-co#p839) (Tex. 1967).

The existence of subject-matter jurisdiction is a question of law. State ex rel. State Dep't of Highways Pub. Transp. v. Gonzalez, [82 S.W.3d 322, 327](https://casetext.com/case/state-v-gonzalez-7#p327) (Tex. 2002); Mayhew v. Town of Sunnyvale, [964 S.W.2d 922, 928](https://casetext.com/case/mayhew-v-town-of-sunnyvale-1#p928) (Tex. 1998). Therefore, we review de novo the trial court's ruling on a plea to the jurisdiction. Id. In deciding a plea to the jurisdiction, a court may not consider the merits of the case, but only the plaintiff's pleadings and the evidence pertinent to the jurisdictional inquiry. County of Cameron v. Brown, [80 S.W.3d 549, 555](https://casetext.com/case/county-of-cameron-v-brown#p555) (Tex. 2002).

## Government Immunity

Under the doctrine of sovereign immunity, a governmental entity cannot be held liable for the actions of its employees unless there is a constitutional or statutory provision waiving such immunity. See City of Amarillo v. Martin, [971 S.W.2d 426, 427](https://casetext.com/case/city-of-amarillo-v-martin#p427) (Tex. 1998). Sovereign immunity can be waived only through the use of clear and unambiguous language. County of Cameron, [80 S.W.3d at 554](https://casetext.com/case/county-of-cameron-v-brown#p554); Univ. of Tex. Med. Branch v. York, [871 S.W.2d 175, 177](https://casetext.com/case/univ-of-texas-medical-branch-at-gal-v-york#p177) (Tex. 1994); City of Houston v. Rushing, [7 S.W.3d 909, 914](https://casetext.com/case/city-houston-v-rushing-1#p914) (Tex.App.-Houston [1st Dist.] 1999, pet. ref'd). The Texas Legislature enacted the Texas Tort Claims Act ("TTCA") to waive sovereign immunity in certain limited circumstances. See Dallas County Mental Health Mental Retardation v. Bossley, [968 S.W.2d 339, 343](https://casetext.com/case/dallas-county-mental-health-v-bossley#p343) (Tex. 1998). The TTCA provides as follows

A governmental unit in the state is liable for:

(1) property damage, personal injury, and death proximately caused by the wrongful act or omission or the negligence of an employee acting within his scope of employment if:

(A) the property damage, personal injury, or death arises from the operation or use of a motor-driven vehicle or motor-driven equipment; and

(B) the employee would be personally liable to the claimant according to Texas law; and

(2) personal injury and death so caused by a condition or use of tangible personal or real property if the governmental unit would, were it a private person, be liable to the claimant according to Texas law.

[TEX. CIV. PRAC. REM. CODE ANN. § 101.021](https://casetext.com/statute/texas-codes/civil-practice-and-remedies-code/title-5-governmental-liability/chapter-101-tort-claims/subchapter-b-tort-liability-of-governmental-units/section-101021-governmental-liability) (Vernon 1997). A county, such as Harris County, as a political subdivision of the State, falls within the parameters of the TTCA. See [TEX. CIV. PRAC. REM. CODE ANN. § 101.001(3)(B)](https://casetext.com/statute/texas-codes/civil-practice-and-remedies-code/title-5-governmental-liability/chapter-101-tort-claims/subchapter-a-general-provisions/section-101001-definitions) (Vernon Supp. 2004-2005).

Harris County v. Cabazos, 177 S.W.3d 105, 108-09 (Tex. App. 2005)