

# Update on the Texas Supreme Court

by  
Justice Jeff Boyd  
and  
Kurt Kuhn

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## Top Cases



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# Summary Judgment

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*Union Pac. R.R. Co. v. Prado*  
No. 22-0431 (Feb. 23, 2024)



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### *Union Pac. R.R. Co. v. Prado*

The standard for categorizing a railroad crossing as extra-hazardous is high, requiring the plaintiff to show that a prudent person exercising ordinary care cannot safely use the crossing unless extraordinary warnings or protections are provided.

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### *Union Pac. R.R. Co. v. Prado*

Texas law requires all drivers to stop at a stop sign regardless of whether safety requires it. And the law has long presumed that drivers will obey the law. Evidence that many or even most drivers would not stop at a particular stop sign does not establish that all reasonably prudent drivers would not, much less could not, stop at the sign.

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