Authority for California Cities Excess Liability
Litigation Review and Update
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Cases and Analysis

POLICE PURSUIT – VEHICLE CODE IMMUNITY

Gilliland v. City of Pleasanton
Docket: A170666(First Appellate District)
Opinion Date: November 19, 2025
Judge: James M. Humes
Areas of Law: Government & Administrative Law, Personal Injury

Summary Rules:
The appellate court held that "pursuit" must be defined by the public entities policy, and not by the ordinary definition of the word.

Facts:
An 18-year-old driver, Elijah Henry, collided with Melanie Gilliland's vehicle after running a red light, causing her severe injuries. At the time of the accident, Henry was being followed by Officer Matthew Harvey of the City of Pleasanton Police Department. Officer Harvey had entered a parking lot to investigate possible vehicle break-ins and, upon seeing Henry's car leave the lot, made a U-turn to follow it. Henry, who had smoked marijuana earlier, accelerated away, fearing police interaction but denying any belief that he was being pursued for arrest. Officer Harvey did not activate his lights or siren and testified that he did not initiate a pursuit under the City's vehicular pursuit policy.

Gilliland sued both Henry and the City for negligence. The City asserted immunity under California Vehicle Code section 17004.7, which protects public entities from liability for damages caused by fleeing suspects if the entity has a compliant vehicular pursuit policy and provides regular training. The Alameda County Superior Court initially denied the City's motion for summary judgment, finding that neither an actual nor perceived pursuit occurred under the City's policy definition. However, after a bench trial before a different judge, the court found the City immune, interpreting "pursued" in the statute according to its ordinary meaning rather than the policy's definition, and concluded Henry believed he was being pursued.

Holding and Analysis:
The California Court of Appeal, First Appellate District, Division One, reviewed the case and held that the definition of "pursuit" in the public entity's vehicular pursuit policy governs both actual and perceived pursuits under section 17004.7. The court found the trial court erred by applying the ordinary meaning of "pursued" and reversed the judgment, remanding for further proceedings using the correct legal standard. The main holding is that statutory immunity under section 17004.7 depends on the policy's definition of pursuit, not the word's general meaning.

POLICE PURSUIT – QUALIFIED IMMUNITY

Jones v. City of North Las Vegas
Docket: 24-3374
Opinion Date: September 8, 2025
Judge: Sal Mendoza Jr.
Areas of Law: Civil Rights, Constitutional Law

Summary Rules:
Hot Pursuit exception to warrant requirement eliminated when officers wait 18 minutes for back-up. However, use of force to kill two dogs is subject to separate Qualified Immunity analysis and therefore MSJ

Facts:
Two police officers responded to a domestic battery call at a residential home. While one officer spoke with a woman at the door, the other saw a person flee over a backyard wall into a neighboring yard. Instead of immediately pursuing, the officer returned to his car, called for backup, and drove to establish a perimeter. Eighteen minutes later, a K-9 unit arrived and began searching within the perimeter. The K-9 alerted toward the plaintiffs' backyard, which was locked and posted with a "Beware of Dog" sign. Without a warrant or consent, officers entered the backyard. The plaintiffs' three dogs were roused, and two of them attacked the police K-9. One officer shot and killed the two dogs. The suspect was never found.

The United States District Court for the District of Nevada granted summary judgment to the officers and the City of North Las Vegas, finding the officers' entry justified under the "hot pursuit" exception to the warrant requirement and the use of force against the dogs reasonable. The court also granted summary judgment to the City on the plaintiffs' Monell claims, and declined to exercise supplemental jurisdiction over the state law claim after dismissing the federal claims.

Holding and Analysis:
The United States Court of Appeals for the Ninth Circuit reviewed the case. It held that the "hot pursuit" exception did not apply because the officers lost track of the suspect for eighteen minutes, breaking the continuity required for exigent circumstances. Therefore, the officers were not entitled to qualified immunity for the warrantless search. However, the court affirmed qualified immunity for the officer's use of force against the dogs, finding no clearly established law prohibiting his actions in the spontaneous circumstances. The court also affirmed summary judgment for the City on the Monell claims, finding insufficient evidence of a policy or deliberate indifference. The case was remanded for further proceedings. The disposition was affirmed in part, reversed in part, and remanded.

POLICE PURSUIT – DAMAGE TO PRIVATE PROPERTY

Pena v. City of Los Angeles
Docket: 24-2422
Opinion Date: November 4, 2025
Judge: Mark J. Bennett
Areas of Law: Civil Rights, Constitutional Law, Government & Administrative Law

Summary Rules:
Police destruction of private property to apprehend suspect is necessary for public safety and therefore is exempt from the Takings Clause of the Fifth Amendment.

Facts:
An armed fugitive fleeing law enforcement entered a print shop owned by the plaintiff, forcibly removed him, and barricaded himself inside. After a thirteen-hour standoff, Los Angeles Police Department SWAT officers used dozens of tear gas canisters to subdue the fugitive, causing significant damage to the shop and its contents. The parties agreed that the officers' actions were authorized, reasonable, and lawful. The plaintiff alleged that the damages, which exceeded $60,000, were caused exclusively by the police.

The plaintiff initially sought compensation from the United States Marshals Service, which denied the claim and referred him to the City of Los Angeles. After the City did not respond to his claims or his attorney's letter, the plaintiff filed a federal lawsuit under 42 U.S.C. § 1983, asserting a violation of the Fifth Amendment's Takings Clause. The City moved for judgment on the pleadings, arguing that the Takings Clause does not require compensation for property destroyed by police acting reasonably in an emergency. The United States District Court for the Central District of California denied the City's initial motion but later granted summary judgment for the City, finding that the destruction was a valid exercise of police power and not a compensable taking.

Analysis and Holding:
The United States Court of Appeals for the Ninth Circuit reviewed the case de novo. The court held that the government's destruction of private property, when necessary and reasonable for public safety, is exempt from the Takings Clause. The court relied on historical understanding and longstanding precedent, concluding that such actions fall outside the scope of the Takings Clause.

Accordingly, the Ninth Circuit affirmed the district court's judgment, holding that the plaintiff failed to state a claim for a compensable taking under the Fifth Amendment.

PUBLIC DISCLOSURE OF PRIVATE RECORDS

Doe v. County of Orange
Docket: G064562(Fourth Appellate District)
Opinion Date: September 2, 2025
Judge: Maurice Sanchez
Areas of Law: Government & Administrative Law, Health Law, Trusts & Estates

Summary Rules:
Disclosure of confidential records to an individual known to be unauthorized to receive the records creates liability regardless of intent to harm.

Facts:
In 2018, the plaintiff was placed on an involuntary 72-hour psychiatric hold, resulting in the creation of a confidential record by the Orange County Sheriff's Department. In 2021, during a legal dispute over their father's estate, the plaintiff discovered that his sister's attorney had obtained this confidential record and used it to threaten him in an attempt to force dismissal of his elder abuse lawsuit against his sister. The record had been released by an office specialist at the Sheriff's Department, who admitted knowing the sister was not entitled to the record but disclosed it anyway, believing she was concerned for the plaintiff's well-being.

A jury in the Superior Court of Orange County found that the office specialist willfully and knowingly disclosed the confidential record, awarding the plaintiff $29,000 in economic damages and $40,000 in noneconomic damages. The jury also found the plaintiff's sister and her attorney responsible for 25 percent of the damages. However, the trial court granted a motion for partial judgment notwithstanding the verdict, concluding there was insufficient evidence of willfulness, declined to treble the damages, and apportioned both economic and noneconomic damages, entering judgment for 75 percent of the total damages against the office specialist and the County.

Holding and Analysis:
The California Court of Appeal, Fourth Appellate District, Division Three, reversed the trial court's order. The appellate court held that "willfully and knowingly" under Welfare and Institutions Code section 5330 means intentionally releasing confidential records to someone known to be unauthorized, regardless of intent to harm. The court found substantial evidence supported the jury's finding of willfulness, requiring trebling of damages. The court also held that while noneconomic damages could be apportioned to other tortfeasors, economic damages could not. The case was remanded with instructions to enter judgment for $177,000 against the County and the office specialist, jointly and severally.

FIRST AMENDMENT – SPECTATING CRIMINAL CONDUCT AS SPEECH

Garcia v. County of Alameda
Docket: 24-6814
Opinion Date: September 4, 2025
Judge: Holly Thomas
Areas of Law: Constitutional Law

Summary Rules:
County ordinance criminalizing spectating an illegal "sideshow" violates the First Amendment and is subject to a preliminary injunction.

Facts:
A reporter who regularly covered sideshows—events involving drivers performing stunts in public intersections—sought to continue his on-site reporting, which included observing and recording these events within 200 feet of their occurrence. After the County of Alameda enacted an ordinance making it a misdemeanor to knowingly spectate a sideshow from within 200 feet, the reporter canceled his plans out of fear of prosecution, alleging that the ordinance impeded his ability to gather news and inform the public.

The United States District Court for the Northern District of California denied the reporter's motion for a preliminary injunction. The district court found that, while the reporter had standing, the First Amendment did not protect his newsgathering and reporting activities in this context. The court reasoned that the ordinance did not specifically prohibit recording and that being present to observe a sideshow was not inherently expressive conduct. Alternatively, the district court concluded that the ordinance was content neutral and survived intermediate scrutiny.

Holding and Analysis:
The United States Court of Appeals for the Ninth Circuit reviewed the case and reversed the district court's denial of a preliminary injunction. The Ninth Circuit held that the reporter's newsgathering and reporting activities, including observation and recording, are protected by the First Amendment. The court determined that the ordinance is content based because it targets only spectating sideshows and thus must satisfy strict scrutiny. The court found that the ordinance fails strict scrutiny, as less restrictive alternatives exist to address public safety concerns, and the ordinance is underinclusive. The Ninth Circuit concluded that the reporter demonstrated a likelihood of success on the merits, irreparable harm, and that the balance of equities and public interest favored an injunction. The court remanded with instructions to enter a preliminary injunction in favor of the reporter.

EMPLOYMENT LAW – MEAL AND REST BREAKS DO NOT APPLY TO CHARTER CITIES

Levy v. City and County of San Francisco
Docket: A172068(First Appellate District)
Opinion Date: September 30, 2025
Judge: C. Don Clay

Areas of Law: Class Action, Labor & Employment Law

Summary Rules:
Meal and rest break provisions of the Labor Code do not apply to Charter Cities.

Facts:
A group of nurses directly employed by the City and County of San Francisco, represented by their union, brought a class action alleging that the City failed to comply with Labor Code section 512.1, which requires public sector healthcare employers to provide meal and rest breaks and pay premiums for missed breaks. The nurses claimed that since the law's effective date, the City had not provided the required breaks or compensation. The City and the union had previously negotiated a memorandum of understanding (MOU) that set out meal and rest break provisions and remedies for missed breaks, but the nurses argued these did not satisfy the new statutory requirements.

The Superior Court of California, City and County of San Francisco, sustained the City's demurrer, agreeing with the City's argument that section 512.1 did not clearly apply to charter cities like San Francisco. The court did not address the City's alternative constitutional argument regarding home rule authority. The nurses appealed this decision.

Holding and Analysis:
The California Court of Appeal, First Appellate District, Division Four, reviewed the case. The court held that the statutory language defining "employer" in section 512.1 was ambiguous as to whether it included charter cities and counties such as San Francisco. The court found that neither the statutory text, legislative history, nor legislative findings demonstrated a clear intent by the Legislature to override charter city home rule authority or to apply section 512.1 to charter cities. The court also noted that when the Legislature intends to regulate charter cities, it does so explicitly, which was not the case here. Accordingly, the Court of Appeal affirmed the trial court's judgment, holding that section 512.1 does not apply to the City and County of San Francisco.

BROWN ACT VIOLATIONS

Berkeley People's Alliance v. City of Berkeley
Docket: A172245(First Appellate District)
Opinion Date: September 30, 2025
Judge: Tracie L. Brown
Areas of Law: Government & Administrative Law

Summary Rules:
City violated the Brown Act by recessing meeting following disruption and moving to a smaller room that would not accommodate the disruptors. City was not required to first attempt removal of the persons but the statute did not authorize relocation of the meeting.

Facts:
Plaintiffs alleged that the City of Berkeley violated the Ralph M. Brown Act during three city council meetings in late 2023 and early 2024. At each meeting, disruptions from attendees made it

impossible for the council to conduct business. The mayor determined that order could not be restored by removing disruptive individuals but did not order the meeting room cleared. Instead, the meetings were recessed and reconvened in a different, smaller room, which could not accommodate all nondisruptive members of the public. The press was allowed to attend in person, and the public could participate by video, but the council did not return to the original meeting room or attempt to remove only the disruptive individuals.

The Alameda County Superior Court sustained the defendants' demurrer without leave to amend, finding that section 54957.9 of the Brown Act did not require the city council to first attempt to remove disruptive individuals before determining that order could not be restored. The court also concluded that the city council complied with the statute by recessing and reconvening the meetings in a different room with the press present. The action was dismissed with prejudice, and plaintiffs appealed.

Analysis and Holding:
The California Court of Appeal, First Appellate District, Division Four, reviewed the case de novo. The court held that section 54957.9 requires a legislative body to order the meeting room cleared and continue in session in the same room, not to recess and reconvene in a different location. The statute does not authorize relocating the meeting as a response to disruption. Because plaintiffs' complaint alleged that the city council did not clear the meeting room but instead moved the meeting, the court found that a claim for relief was properly stated. The judgment was reversed.

ATTORNEY FEES DENIED

County of Los Angeles v. Quinn Emanuel Urquhart & Sullivan, LLP
Docket: B331562(Second Appellate District)
Opinion Date: October 23, 2025
Areas of Law: Arbitration & Mediation, Civil Procedure, Contracts, Government & Administrative Law

Summary Rules:
Law Firm could not recovery $1.7M in fees incurred to defend the Sheriff because the Sheriff had no authority to bind the County to the retainer agreement he signed.

Facts:
A law firm sought to recover over $1.7 million in fees and costs for representing the Los Angeles County Sheriff, Alex Villanueva, and the Sheriff's Department in litigation initiated by the County of Los Angeles. Due to a conflict of interest, the County's Board of Supervisors offered Villanueva independent counsel, allowing him to select his attorney but reserving discretion over compensation. Villanueva chose the law firm, which entered into an engagement agreement with him. The County, however, sent its own retainer agreement to the firm, which the firm refused to sign. The firm continued its representation but was never paid. After the firm demanded arbitration under its engagement agreement, the County and related plaintiffs filed suit seeking a declaration that no valid agreement to arbitrate existed and an injunction against the arbitration.

The Superior Court of Los Angeles County granted a preliminary injunction, then summary judgment for the County plaintiffs, finding the Sheriff lacked authority to enter into the engagement

agreement. The court denied the law firm's post-judgment motion for leave to file a cross-complaint, citing both untimeliness and bad faith. The firm then filed a separate lawsuit against the County and related defendants, asserting breach of contract and related claims. The trial court sustained the County's demurrer, dismissing the complaint with prejudice on grounds that the claims were compulsory cross-claims in the earlier action and for failure to allege compliance with the Government Claims Act.

Analysis and Holding:
The California Court of Appeal, Second Appellate District, Division Eight, affirmed both the judgment in the County's action and the dismissal of the law firm's separate lawsuit. The court held that the Sheriff did not have authority to retain counsel on his own; only the Board of Supervisors could contract for legal services. The law firm's claims were barred as compulsory cross-claims and for failure to comply with the Government Claims Act.

AGE DISCRIMINATION

Carroll v. City & County of S.F.
Docket: A169408(First Appellate District)
Opinion Date: November 12, 2025
Judge: Tracie L. Brown
Areas of Law: Class Action, Labor & Employment Law, Public Benefits

Summary Rules:
Pension requirements which differ for persons over 40 does not constitute discrimination where the requirements for motivated by pension status and years of service, not age.

Facts:
Several employees of the City and County of San Francisco who joined the city's retirement system at age 40 or older and later retired due to disability challenged the method used to calculate their disability retirement benefits. The city's retirement system uses two formulas: Formula 1, which provides a higher benefit if certain thresholds are met, and Formula 2, which imputes service years until age 60 but caps the benefit at a percentage of final compensation. Plaintiffs argued that Formula 2 discriminates against employees who enter the system at age 40 or above, in violation of the California Fair Employment and Housing Act (FEHA).

Initially, the San Francisco City and County Superior Court sustained the city's demurrer, finding the plaintiffs had not timely filed an administrative charge. The California Court of Appeal reversed that decision, allowing the case to proceed. After class certification and cross-motions for summary judgment, the trial court found triable issues and held a bench trial. At trial, plaintiffs presented expert testimony based on hypothetical calculations, while the city's expert criticized the lack of actual data analysis and highlighted factors such as breaks in service and purchased credits.

Holding and Analysis:
The California Court of Appeal, First Appellate District, Division Four, reviewed the trial court's post-trial decision. The appellate court affirmed the trial court's judgment, holding that the plaintiffs failed

to prove intentional age discrimination or disparate impact under FEHA. The court found substantial evidence that Formula 2 was motivated by pension status and credited years of service, not age. The plaintiffs' evidence was insufficient because it relied on hypotheticals rather than actual data showing a disproportionate adverse effect on the protected group. The appellate court also affirmed the denial of leave to amend the complaint, finding no reversible error. The judgment in favor of the city was affirmed.

AB218 – NO UNCONSTITUTIONAL GIFT OF FUNDS

O.B. v. L.A. Unified School Dist.
Docket: B339555(Second Appellate District)
Opinion Date: August 27, 2025
Judge: Michelle C. Kim
Areas of Law: Civil Procedure, Constitutional Law, Education Law, Personal Injury

Summary Rules:
AB218 does not amount to a constitutional gift of public funds because it did not create new liability but rather removed a procedural barrier to enforcing a preexisting liability.

Facts:
In 2021, a plaintiff filed a complaint against a public school district, alleging that she was repeatedly sexually assaulted by a teacher while attending middle and high school. The complaint asserted that the teacher's abusive conduct was widely known within the school and that the district either knew or should have known about the abuse but failed to act, allowing the teacher to remain employed. The plaintiff brought claims for negligence and negligent hiring, retention, and supervision, relying on statutory provisions that exempt certain childhood sexual assault claims from the usual requirement to present a claim to the public entity before filing suit.
The Superior Court of Los Angeles County reviewed the case after the school district moved for judgment on the pleadings. The district argued that the plaintiff's claims were only possible due to Assembly Bill 218 (AB 218), which retroactively eliminated the claims presentation requirement for childhood sexual assault claims against public entities. The district contended that AB 218 violated the gift clause of the California Constitution by imposing liability for past acts where no enforceable claim previously existed. The trial court agreed, finding that AB 218 retroactively created liability and constituted an unconstitutional gift of public funds, and dismissed the complaint with prejudice.

Holding and Analysis:
The California Court of Appeal, Second Appellate District, Division One, reviewed the trial court's decision de novo. The appellate court held that AB 218 does not violate the gift clause because it did not create new substantive liability; rather, it removed a procedural barrier to enforcing pre-existing liability for negligence and negligent hiring, retention, and supervision. The court reversed the trial court's order and remanded with directions to deny the school district's motion for judgment on the pleadings.

Doe R.L. v. Merced City School District
Docket: F087142(Fifth Appellate District)
Opinion Date: September 8, 2025

Judge: Jennifer R.S. Detjen
Areas of Law: Civil Procedure, Civil Rights, Education Law

Summary Rules:
Waiver of tort claim requirement did not violate gift of public funds clause.

Facts:
A plaintiff alleged that, between 1965 and 1969, while he was a young child attending an elementary school in a California school district, he was repeatedly sexually assaulted by the school's principal. The complaint stated that school staff and faculty were aware or suspected the abuse, and that similar abuse occurred to other students. The plaintiff claimed ongoing psychological and emotional harm as a result. He brought four negligence-based causes of action against the school district, asserting that he was not required to present a government tort claim before filing suit due to statutory changes exempting such claims.

The Superior Court of Merced County sustained the school district's demurrer without leave to amend, dismissing the complaint. The court found that the plaintiff's failure to comply with the Government Claims Act's claim presentation requirement was fatal to his case, and concluded that legislative changes extending the statute of limitations for childhood sexual assault did not alter the deadline for filing a claim against a public entity.

Analysis and Holding:
On appeal, the California Court of Appeal, Fifth Appellate District, reviewed whether Assembly Bill No. 218's retroactive waiver of the Government Claims Act's claim presentation requirement for claims under Code of Civil Procedure section 340.1 violated the California Constitution's gift clause. The appellate court held that the retroactive waiver did not create a new liability or cause of action, but merely removed a procedural barrier to suit. The court further found that the legislative purpose of aiding victims of childhood sexual assault served a valid public purpose and did not constitute an unconstitutional gift of public funds. The judgment of dismissal was reversed and the case remanded for further proceedings.

CIVIL PROCEDURE - STANDING TO OPPOSE MSJ

Bean v. City of Thousand Oaks
Docket: B338497(Second Appellate District)
Opinion Date: September 29, 2025
Judge: Hernaldo Baltodano
Areas of Law: Civil Procedure, Personal Injury

Summary Rules:
Party has standing to oppose MSJ if it is a co-defendant with an adverse interest, even where no cross complaint has been filed.

Facts:
After tripping and falling on a raised portion of sidewalk in front of a residence, the plaintiff sued the owners of the adjacent properties and the City for negligence and premises liability. The claim

against one property owner, Goode, was based on the theory that a tree in the parkway in front of her house had roots extending under the sidewalk where the plaintiff fell, potentially causing the damage. The City maintained and inspected the tree and sidewalk, but the plaintiff alleged Goode's ownership of the tree contributed to the dangerous condition.

The Ventura County Superior Court granted summary judgment in favor of Goode, finding no triable issue of material fact regarding her liability. The plaintiff did not oppose Goode's motion for summary judgment, but the City did file an opposition and attempted to file a cross-complaint against Goode. The trial court declined to consider the City's opposition, ruling that the City lacked standing because it had not filed a cross-complaint, and rejected the cross-complaint on procedural grounds.

Analysis and Holding:
The California Court of Appeal, Second Appellate District, Division Six, reviewed the case. It held that a codefendant with an adverse interest has standing to oppose a motion for summary judgment, regardless of whether a cross-complaint has been filed. The court further found that the City's cross-complaint was properly filed and should not have been rejected. However, after reviewing the evidence de novo, the appellate court concluded that Goode could not be held liable as a matter of law because she did not own, control, or maintain the sidewalk or tree in a manner that created the dangerous condition. The judgment granting summary judgment in favor of Goode was affirmed.