



League of CA Cities – Annual Conference

Municipal Torts & Civil Rights Litigation Update

OCTOBER 2025

Sacramento Television Stations, Inc. v. Superior Court of Placer County (111 Cal.App.5th 984 (2025))

- ▶ **Issue:** CPRA request for police shooting footage under AB 748.
- ▶ **Facts:** City of Roseville released only short clips of bodycam footage after a fatal police shooting.
- ▶ **Ruling:** Court of Appeal held that the City failed to justify withholding full footage.
- ▶ **Takeaway:** Agencies must provide enough footage to give meaningful context; “active investigation” exemption requires substantial evidence.



RND Contractor's Inc. v. Superior Court of San Bernardino County (112 Cal.App.5th 697)

- ▶ **Issue:** Can a co-defendant oppose a summary judgment motion when the plaintiff does not?
- ▶ **Facts:** Plaintiff didn't oppose MSJ; co-defendant RND did, despite no cross-claim.
- ▶ **Ruling:** Court held RND had standing because it was "adverse" to the moving party.
- ▶ **Takeaway:** Co-defendants may oppose MSJs without cross-claims if their interests are adverse.



Dessins LLC v. City of Sacramento (112 Cal.App.5th 996)

- ▶ **Issue:** Can a city vote on its own property fee proposal under Prop 218?
- ▶ **Facts:** City voted its own parcels in favor of a storm drainage fee; without those votes, the measure would have failed.
- ▶ **Ruling:** Court upheld the City's right to vote as a property owner.
- ▶ **Takeaway:** Prop 218 does not prohibit municipal self-voting on property-related fees.



Tindall v. County of Nevada (112 Cal.App.5th 78)

- ▶ **Issue:** Weather immunity in a public parking lot under Gov. Code § 831.
- ▶ **Facts:** Plaintiff slipped on ice in the parking lot owned and maintained by the County of Nevada; County claimed immunity under Gov. Code § 831.
- ▶ **Ruling:** Court found the parking lot was a “street” under the statute and immunity applied.
- ▶ **Takeaway:** Weather immunity can extend to parking lots if they meet statutory definitions.



Maksimow v. City of South Lake Tahoe (106 Cal.App.5th 514)

- ▶ **Issue:** Constructive notice of dangerous condition (ice patch).
- ▶ **Facts:** Plaintiff slipped on ice; City claimed no actual or constructive notice.
- ▶ **Ruling:** Court upheld summary judgment for City; no evidence of notice.
- ▶ **Takeaway:** Constructive notice requires evidence of duration and foreseeability.



Estate of Hernandez, et al. v. City of Los Angeles (139 F.4th 790 (9th Cir. 2025))

- ▶ **Issue:** Does an officer's continued lethal force against an armed, injured, and grounded suspect violate the Fourth Amendment if based only on non-threatening movement?
- ▶ **Facts:** An officer shot a suspect armed with a knife. The suspect fell but moved while on the ground. The officer continued to shoot, claiming renewed threat.
- ▶ **Ruling:** The Ninth Circuit ruled a jury could find the continued shooting unjustified. An injured, grounded suspect's **mere movement** doesn't automatically renew a lethal threat.
- ▶ **Takeaway:** Officers must **reassess** a suspect's threat level after incapacitation. Lethal force isn't justified if the grounded, injured suspect's movements are clearly non-threatening.



Alves v. County of Riverside (135 F.4th 1161)

- ▶ **Issue:** The standards under the Fourth Amendment and California's negligence.
- ▶ **Facts:** Deputies restrained a man in prone position, and he died.
- ▶ **Ruling:** Jury found no excessive force under 4th Amendment but found negligence under California law.
- ▶ **Takeaway:** California negligence standard is broader than federal excessive force standard.



Murphy v. City of Petaluma (106 Cal.App.5th 1263)

- ▶ **Issue:** Did the paramedics owe a duty of care to Murphy despite her refusal of treatment?
- ▶ **Facts:** Marites Murphy declined medical treatment multiple times after a car accident, despite paramedics advising her of potential unseen injuries. She later suffered a stroke and sued the paramedics for negligence.
- ▶ **Ruling:** The court held that the paramedics did not undertake any affirmative action that created a duty of care. Simply offering help or advice, without providing treatment or inducing reliance, does not establish liability.
- ▶ **Takeaway:** Emergency responders are not liable for failing to treat individuals who refuse care and show no signs of injury, unless they take affirmative steps to increase harm or induce reliance.



Hubbard v. City of San Diego (139 F.4th 843)

- ▶ **Issue:** First Amendment protection for teaching yoga in public parks.
- ▶ **Facts:** City banned yoga instruction in shoreline parks; teachers sued.
- ▶ **Ruling:** Ninth Circuit held yoga instruction is protected speech; ordinance failed strict scrutiny.
- ▶ **Takeaway:** Content-based restrictions on expressive conduct in public forums are presumptively unconstitutional.

Q&A / Contact

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