



MUNICIPAL TORT AND CIVIL RIGHTS LITIGATION UPDATE



CASES

Police Liability

Animal Protection League v. County of Riverside, 111 Cal. App. 5th 914 (2025)

A.B. v. County of San Diego, 112 Cal. App. 5th 404 (2025)

Fifth Amendment Takings

Pena v. City of Los Angeles, 158 F. 4th 1033 (9th Cir. 2025)

California Municipal Tort Liability

Whitehead v. City of Oakland, 17 Cal. 5th 735 (2025) 

Hu v. City of San Jose, 114 Cal. App. 5th 149 (2025)

Maksimow v. City of South Lake Tahoe, 106 Cal. App. 5th 514 (2024)

Tindall v. County of Nevada, 112 Cal. App. 5th 78 (2025)

Kabat v. California Department of Transportation, 107 Cal. App. 5th 651 (2024)

Restivo v. City of Petaluma, 111 Cal. App. 5th 267 (2025)

Bean v. City of Thousand Oaks, 114 Cal. App. 5th 775 (2025)

Gilliland v. City of Pleasanton, 116 Cal. App. 5th 138 (2025) 



Animal Protection League v. County of Riverside, 111 Cal. App. 5th 914 (2025)

- Sheriff deputy's threat to arrest protestor does not give rise to negligence unless there is physical injury or breach of duty.
- Individual police officers owe a duty to the public at large but not to specific individuals.
- Similarly, threats to arrest do not violate Ralph Act or Bane Act as they do not amount to violence, coercion, or intimidation.



A.B. v. County of San Diego, 112 Cal. App. 5th 404 (2025)

- Trial court's grant of summary judgment reversed by California 4th District Court of Appeal.
- There are triable issues of material fact regarding whether the deputies used excessive force by using a prone (face down) restraint with bodyweight pressure on decedent's back.

Pena v. City of Los Angeles, 158
F. 4th 1033 (9th Cir. 2025)

- Police officers fired 32 rounds of teargas into Plaintiff's storefront during a hostage standoff.
- Police destruction of Plaintiff's property and shop inventory in course of pursuit of armed fugitive comes within "necessity exception" to compensable taking under Takings Clause.

Case No.:

Plaintiff,

, California,

Defendant.

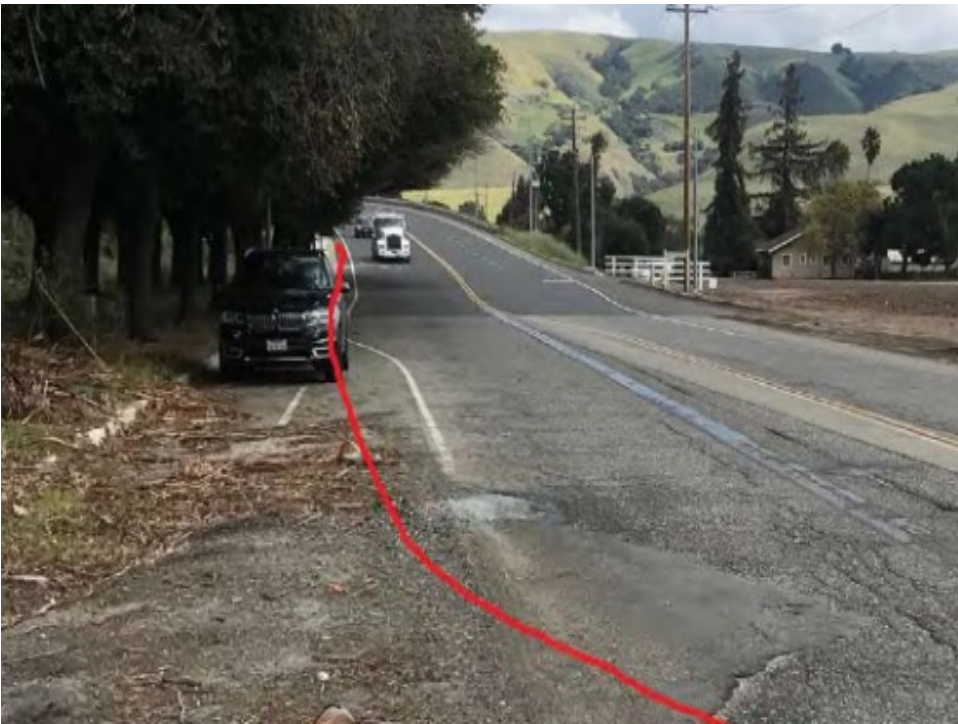
**Complaint for Compensatory
Damages**





*Whitehead v. City
of Oakland*, 17
Cal. 5th 735
(2025)

- California Supreme Court invalidated release of liability in favor of the City of Oakland where a cyclist was seriously injured during charity bike ride.
- An agreement cannot exculpate a City from future negligent violation of a statutory duty to protect public safety (such as Government Code section 835) as a matter of public policy under Civil Code 1668.



Hu v. City of San Jose, 114 Cal. App. 5th 149 (2025)

- Section 831.4 subdivisions (a) and (b) protect the city from liability arising from certain unpaved roads and paved or unpaved trails.
- A class II bike lane is not a trail under Government Code section 831.4
- Section 831.4 does not apply to city streets, where the city remains liable for dangerous conditions under section 835.



*Maksimow v.
City of South
Lake Tahoe,*
106 Cal. App.
5th 514
(2024)

- This is a “transitory conditions” case - Plaintiff slipped on ice in a City public parking lot.
- City’s summary judgment was granted on basis of no actual or constructive notice. Plaintiff opposed with weather data from the NWS.
- Affirmed. Plaintiff failed to raise a triable issue as to whether the allegedly dangerous condition was present in the parking lot long enough for the City to discover and remedy.
- The weather reports did not establish either actual or constructive notice.

*Tindall v. County
of Nevada*, 112
Cal. App. 5th 78
(2025)

- County was entitled to weather immunity under Government Code § 831 for the presence of ice in the County jail parking lot.
- Court found under Government Code § 831 the definition of a “street or highway” **includes** a parking lot.
- Court also determined that a reasonable prudent person would have understood the presence of snow and ice in the parking lot could lead to slippery conditions for pedestrians.



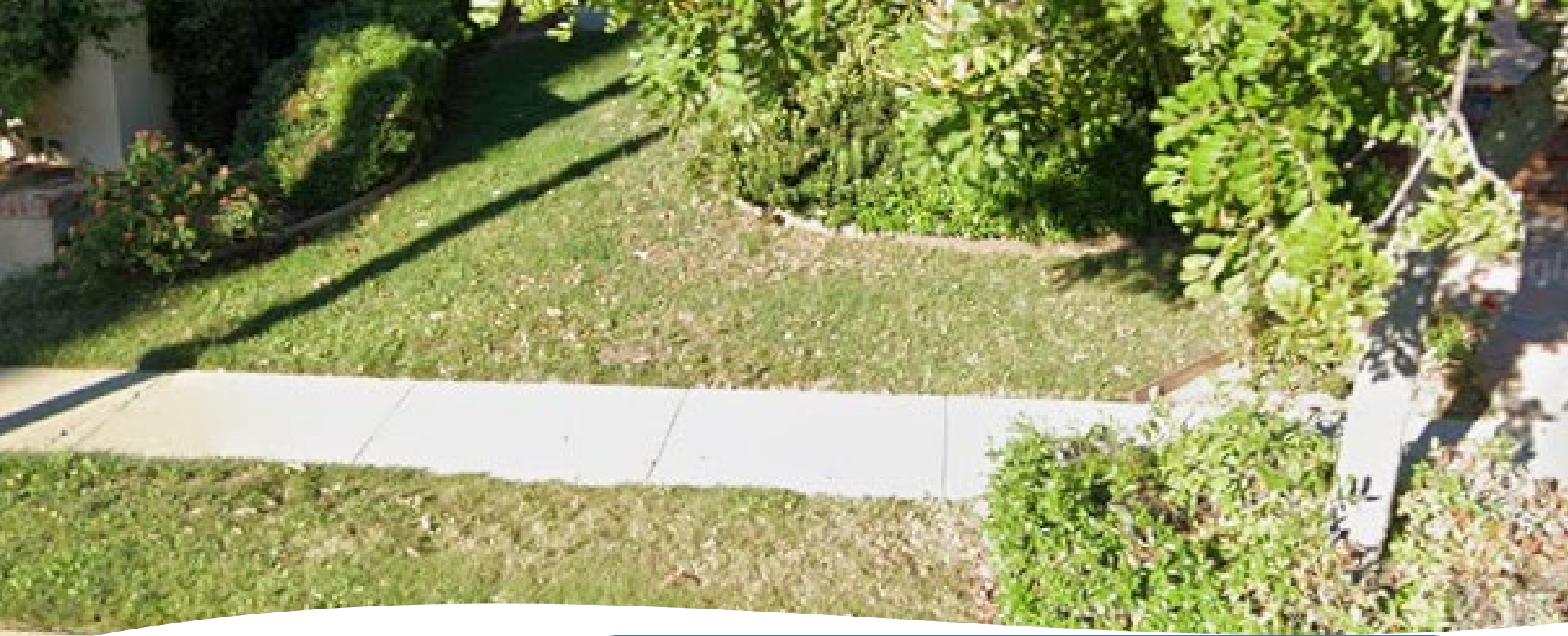
*Kabat v.
Department of
Transportation,*
107 Cal. App.
5th 651 (2024)

- In a failure to warn claim brought under *Tansavatdi*, public entities are entitled to sign immunity unless the plaintiff establishes: 1) the dangerous condition at issue was a concealed trap and 2) the public entity had notice of the dangerous condition.
- Caltrans offered undisputed evidence it maintains a database tracking the number and type of collisions on onramps, and in the decade before and including up to the day of the accident, there were **no accidents** involving a bicyclist during the same time of day as the accident at issue and **13 million vehicles** had passed through the onramp.
- This evidence established Caltrans **had no notice** of the alleged dangerous condition.



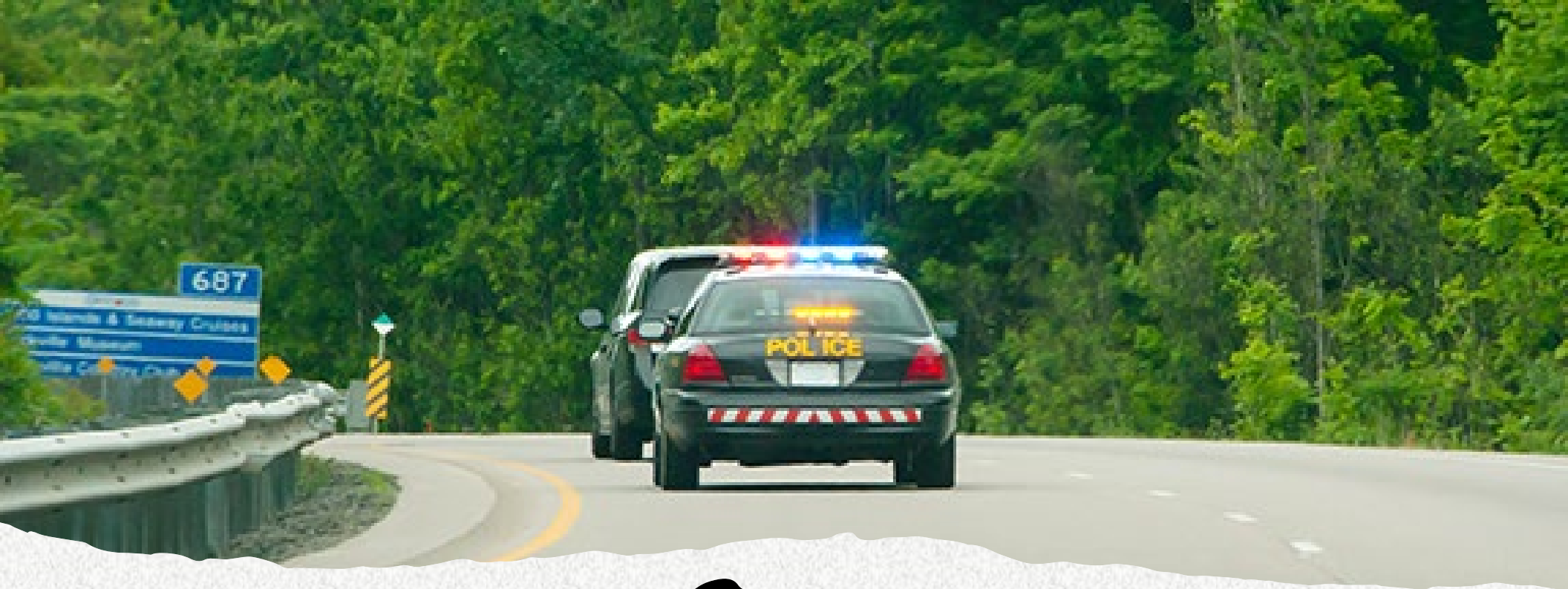
*Restivo v. City of
Petaluma*, 111 Cal.
App. 5th 267
(2025)

- Plaintiff crashed in a pothole while riding a skateboard on a street in the City of Petaluma.
- The City submitted evidence it was unaware of any other accidents on the street where plaintiff fell, and it had maintained records of complaints about City streets for more than 10 years. During that time, the City received no complaints at the location. City's MSJ was granted.
- Plaintiff presented no evidence in opposition that raised a triable issue of material fact regarding notice.



*Bean v. City of
Thousand
Oaks*, 114
Cal. App. 5th
775 (2025)

- Plaintiff tripped and fell on a sidewalk uplift caused by a City maintained parkway tree.
- A co-defendant may oppose another defendant's motion for summary judgment **even without having filed a cross-complaint** against the moving defendant, so long as their interests are adverse.
- Although the City did not own the tree, the City maintained the tree: **control dominates over title.**



*Gilliland v. City of
Pleasanton*, 116
Cal. App. 5th 138
(2025)

- Pursuit immunity in Govt. Code Section 17004.7 immunizes public entities from liability for collisions caused by fleeing suspects when the entity has a written policy on vehicular pursuits and provides regular training on the policy.
- Pursuit Immunity under Government Code 17004.7 turns on the definition of pursuit in the government entity's written policy.



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