

Premises Liability

Tan v. Arnell Management Co.

Facts: Plaintiff was shot in an attempted carjacking in an ungated portion of the common area of an apartment complex and rendered quadriplegic. The incident occurred at about 11:30 p.m. when he was driving about the apartment complex looking for an open parking space. He eventually parked his vehicle near the leasing office which was beyond the gated confines of the complex.

The trial excluded plaintiff's evidence of prior similar criminal activity which consisted of 10 incidents which plaintiff's expert argued placed the owner and property manager on notice of violent incidents including three very similar violent incidents defined as sudden attacks, late at night at the ungated portion of the premises.

Holding: Prior violent criminal acts lessen degree of foreseeability required by landlord in premises liability case. In reversing the trial court's decision, the Appellate court noted that perfect identity of prior crimes to the attack on plaintiff is not necessary, rather, under the sliding scale balancing formula, and given the minimal burden placed on the landlord in the subject case, "the three prior incidents cited are sufficiently similar to make the assault on plaintiff foreseeable and to place a duty of care on defendants."

Civil Rights

Fitzgerald v. Barnstable Sch. Committee

Facts: The Fitzgeralds' daughter was a kindergarten student in the Barnstable, Massachusetts school system who rode the bus to school. She informed her parents that a third grade boy bullied her into lifting up her skirt. The parents met with principal and a school investigator who could not substantiate the claims. No action was taken. Later, the girl reported escalating harassment to her parents. The parents once again met with the principal but, again, the school could not substantiate and no action was taken. The parents sued under Title IX, 42 U.S.C. § 1983, & state law, alleging the school inadequately responded to allegations of harassment.

The U.S. Supreme Court granted review to resolve a split in the circuits over whether Title IX precludes use of § 1983 to redress unconstitutional gender discrimination in schools.

Holding: Title IX does not preclude section 1983 action alleging unconstitutional gender discrimination in schools. Because Title IX does not include a comprehensive remedial scheme, the U.S. Supreme Court concluded that it was not meant to be an exclusive mechanism for addressing gender discrimination in schools or a substitute for § 1983 suits as a means of enforcing constitutional rights.

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Good Samaritan Immunity

Van Horn v. Watson

Facts: After a night of drinking and smoking marijuana together, plaintiff and defendant Lisa Torte were traveling in separate vehicles. The vehicle that plaintiff was in spun out and struck a light pole. Torte's vehicle stopped behind plaintiff's car and the passengers attempted to assist the occupants. Torte claimed that she saw smoke coming from the vehicle and carefully removed plaintiff for fear the vehicle would catch fire. In contrast, plaintiff and co-defendants claim there was no indication the vehicle might explode and that Torte pulled plaintiff out like a rag doll. Plaintiff sustained an injury to her cervical vertebrae, which resulted in paralysis. Plaintiff claimed that defendant Torte's conduct in jerking her from the car caused the paralysis.

Torte obtained summary judgment in the trial court on the grounds that the Good Samaritan statute provided immunity for any injury she may have caused in rendering aid. The section relied upon provides, "no person who in good faith, and not for compensation, renders emergency care at the scene of an emergency shall be liable for any civil damages resulting from any act or omission. ..."

Holding: The California Supreme Court disagreed with the trial court's decision

and interpretation of the Good Samaritan immunity statute. Because Torte was not rendering "emergency care," she was not protected. The duty of a Good Samaritan was summarized by the California Supreme Court as follows:

"While there is no general duty to help, a Good Samaritan who nonetheless undertakes to come to the aid of another is under a duty to exercise due care in performance. ... it is ancient learning that one who assumes to act, even though gratuitously, may thereby become subject to a duty of acting carefully, if he acts at all."

Products Liability

Ontiveros v. 24 Hour Fitness Corp.

Facts: Plaintiff member of 24 Hour Fitness Center alleged she was injured on a "Stairmaster" and sued 24 Hour Fitness for strict products liability. Plaintiff alleged that the "dominant" purpose for her membership was for the use of the exercise machines at the gym. The 24 Hour countered that the primary purpose of all of its memberships was the "provision of fitness services."

Holding: Affirmed. The dominant purpose of the plaintiff's membership with the fitness center was for the provision of fitness services, and for that reason the defendant was not a proper products liability defendant.

Employment Law

Crawford v. Metropolitan Government of Nashville & Davidson County

Facts: Respondent Metropolitan Government of Nashville & Davidson County undertook internal investigation of rumors of sexual harassment by the Metro School District employee relations director, Hughes. When a human resources officer asked Petitioner Crawford if she had witnessed any inappropriate behavior by Hughes, she cited three examples of his behavior toward her. Hughes was not disciplined but Crawford was fired.

Crawford sued under Title VII of the Civil Rights Act of 1964, which prohibits employers from retaliating against employees who report workplace discrimination.

The U.S. Supreme Court granted review to resolve a split in the circuits over whether Title VII protects an employee who does not initiate a complaint but merely responds to questions during an investigation.

Holding: An employee has a retaliation claim even though she merely addressed discrimination in response to an internal investigation. Because California statutory law already recognized retaliation claims on this basis, there should be no major impact in California.