Bond Case Briefs

Municipal Finance Law Since 1971

LIABILITY - CALIFORNIA

Arista v. County of Riverside

Court of Appeal, Fourth District, Division 2, California - November 20, 2018 - Cal.Rptr.3d - 2018 WL 6065089

Family of bicyclist filed complaint against county for wrongful death, negligence, negligent infliction of emotional distress (NIED), and deprivation of constitutional rights under § 1983, stemming from county sheriff department's decision to delay search for missing bicyclist, who died of hypothermia.

Following hearing, the Superior Court sustained county's demurrer to the complaint without leave to amend. Family appealed.

The Court of Appeal held that:

- County sheriff's department had duty to exercise due care in performing rescue;
- Complaint sufficiently alleged that county induced reliance on its rescue efforts; but
- Family failed to allege facts supporting finding of deliberate indifference, and thus failed to state a cause of action for deprivation of constitutional rights; and
- Trial court did not abuse its discretion by sustaining demurrer without leave to amend as to claim for deprivation of constitutional rights.

County sheriff's department had a duty to exercise due care in performing rescue of injured bicyclist, as would support claims for wrongful death and negligence asserted against county by family of bicyclist, stemming from department's decision to delay search for bicyclist, who died of hypothermia, since department undertook responsibility for rescuing bicyclist; department was actively involved in all aspects of locating bicyclist, and department signaled it was taking control of the rescue by appointing incident commander.

Complaint for wrongful death filed against county by family of bicyclist, stemming from county sheriff department's decision to delay search for bicyclist, who subsequently died of hypothermia, sufficiently alleged that county induced reliance on its rescue efforts, as would support liability determination against county; complaint alleged that bicyclist's wife did not organize her own search team until after learning that county was delaying its efforts.

Family of bicyclist failed to alleged facts supporting a finding that search and rescue policy was instituted or maintained by county due to deliberate indifference to the rights of citizens, and thus family failed to state a cause of action against county for deprivation of constitutional rights under § 1983, stemming from county sheriff department's decision to delay search for injured bicyclist, who died of hypothermia; although family's allegation reflected that there was a report calling for search and rescue training for deputies warning of relying on a mixture of volunteer groups to conduct searches, family failed to allege any problems with prior searches and rescues conducted in county.

Trial court did not abuse its discretion by sustaining county's demurrer without leave to amend as to claim filed by family of bicyclist for deprivation of constitutional rights under § 1983, stemming from county sheriff department's decision to delay search for missing bicyclist, who died of hypothermia;

problems with claim were factual, and family failed to explain how they would amend complaint to reflect that search and rescue policy was instituted or maintained by county due to deliberate indifference to the rights of citizens.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com