

Bond Case Briefs

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Koussaya v. City of Stockton

Court of Appeal, Third District, California - September 21, 2020 - Cal.Rptr.3d - 2020 WL 5626796 - 20 Cal. Daily Op. Serv. 9910 - 2020 Daily Journal D.A.R. 10,321

Having sustained serious injuries during her escape from armed robbers' getaway vehicle, hostage sued city and its police department, as well as police captain and officer, asserting causes of action for assault and battery, intentional infliction of emotional distress, and general negligence.

The Superior Court entered summary judgment for city, police department, captain, and officer, and hostage appealed.

The Court of Appeal held that:

- Out-of-court statements contained in police report were admissible for truth of the matters stated therein because they fell within the adoptive admission exception to hearsay rule;
- Officers' use of deadly force, in shooting at armed robbers' getaway vehicle, containing hostage, thereby causing hostage to jump out of the vehicle and sustain injuries, was reasonable as matter of law; and
- Hostage did not establish vicarious liability claim against city, given that officers' use of deadly force, in shooting at armed robbers' getaway vehicle, was reasonable.