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LIABILITY - CALIFORNIA

[Los Angeles Unified School District v. Superior Court of Los Angeles County](#)

Supreme Court of California - June 1, 2023 - P.3d - 2023 WL 3745196

Public high school student brought tort action against school district, alleging that district employee sexually assaulted her.

The Superior Court denied district's motion to strike student's request for statutory enhanced damages based on the assault resulting from district allegedly covering up employee's sexual assault of another student. District petitioned for writ of mandate. The Court of Appeal granted a writ. Review was granted.

The Supreme Court held that:

- Government Claims Act's prohibition of public entity being held liable in tort for damages imposed primarily for sake of example and by way of punishing defendant applies not only to damages that are simply and solely punitive but also to damages that would function, in essence, as award of punitive or exemplary damages; overruling *People ex rel. Younger v. Superior Court*, 16 Cal.3d 30, 39, 127 Cal.Rptr. 122, 544 P.2d 1322; *San Francisco Civil Service Assn. v. Superior Court*, 16 Cal.3d 46, 127 Cal.Rptr. 131, 544 P.2d 1331; *Kizer v. County of San Mateo*, 53 Cal.3d 139, 279 Cal.Rptr. 318, 806 P.2d 1353; and
- Government Claims Act shields public entities from liability for statutory award of enhanced damages, not exceeding treble damages, when childhood sexual assault was result of cover up.