

Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - CALIFORNIA

Gong v. City of Rosemead

Court of Appeal, Second District, Division 5, California - May 20, 2014 - Cal.Rptr.3d - 14 Cal. Daily Op. Serv. 5496

Developers brought action against city for fraud, extortion, assault and battery, intentional infliction of emotional distress, and promissory estoppel for the alleged tortious conduct of John Tran, a former member of its City Council and former mayor of the City. The Superior Court sustained demurrer without leave to amend. Developers appealed.

The Court of Appeal held that:

- Statute limiting public entities' liability for intentional torts of their elected officials does not create a new cause of action;
- Claims presentation requirements of Government Claims Act apply to claims governed by the statute limiting public entities' liability for intentional torts of elected officials;
- Claims filed by developers did not fairly reflect causes of action in their lawsuit; and
- City was immune from promissory estoppel cause of action for city's failure to approve real estate project.

Developers' claims were subject to the claim presentation requirements and the immunity provisions of the Government Tort Claims Act. Because they failed to satisfy the claim presentment requirements of the Act with respect to their causes of action for fraud and extortion, assault and battery, and intentional infliction of emotional distress, and because the City is immune from their promissory estoppel claim, the trial court properly sustained the City's demurrer.