

Bond Case Briefs

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LIABILITY - CALIFORNIA

Suarez v. City of Corona

Court of Appeal, Fourth District, Division 1, California - August 29, 2014 - Cal.Rptr.3d - 2014 WL 4254312

Van passenger brought action against city for dangerous condition of public property. The Superior Court granted summary judgment for city and awarded attorney fees and costs against passenger and his attorneys. Passenger and his attorneys appealed.

The Court of Appeal held that:

- Costs statute does not authorize an award against a party's counsel;
- Court commissioner had jurisdiction to hear city's costs motion;
- Passenger maintained his action against city without reasonable cause; and
- Timing of city's costs motion did not violate due process.

Van passenger's action against city for dangerous condition of public property, based on incident in which the compressed natural gas tank in the van exploded while being filled at a fueling station owned by the city, was maintained without reasonable cause, thus supporting sanctions under the statute providing public entities and other specified defendants with a way to recover the costs of defending against unmeritorious and frivolous litigation, where passenger had information from other sources that showed the accident was not caused by a dangerous condition on the city's property, the city made numerous demands to dismiss the case against the city or provide a viable theory of liability, and passenger ignored those demands and let the case languish for approximately one year.