

Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - CALIFORNIA

Conway v. County of Tuolumne

Court of Appeal, Fifth District, California - November 24, 2014 - Cal.Rptr.3d - 2014 WL 6657095

Mobile-home owner brought action against county for negligence, nuisance, trespass, and strict liability for ultra-hazardous activity, alleging that his mobile home was rendered uninhabitable as result of use of tear gas by county's special weapons and tactics (SWAT) team while attempting to apprehend owner's son, who allegedly shot at owner. The Superior Court granted county's motion for summary judgment. Owner appealed.

As a matter of first impression, the Court of Appeal held that decision to use tear gas was discretionary act, and thus county was entitled to discretionary-acts immunity.