

Bond Case Briefs

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LIABILITY - CALIFORNIA

Esparza v. Kaweah Delta District Hospital

Court of Appeal, Fifth District, California - September 21, 2016 - Cal.Rptr.3d - 2016 WL 5121829

Patient brought action against health care district's hospital for medical malpractice.

The Superior Court sustained demurrer without leave to amend. Patient appealed.

The Court of Appeal held that:

- Patient's general allegation was sufficient to plead compliance with the claims presentation requirement of Government Claims Act, and
- Patient's allegation that she served a claim on health care district's hospital under the Act "on or at" a particular date was not so ambiguous as to be inconsistent.

Patient's general allegation, on a Judicial Council form, that had she complied with applicable claims statutes was sufficient to plead compliance with the claims presentation requirement of the Government Claims Act, for patient's medical malpractice claim against a health care district's hospital, even though patient's allegation did not include the word "timely."

Patient's allegation that she served a claim on health care district's hospital under the Government Claims Act "on or at" a particular date was not so ambiguous as to be inconsistent with patient's general allegation of compliance with the claims presentation requirements of the Act, since patient's general allegation of compliance could be true even if she served a claim "on or at" the date she alleged.