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City of Los Angeles v. Superior Court of Los Angeles County

Court of Appeal, Second District, Division 4, California - March 18, 2021 - Cal.Rptr.3d - 2021 WL 1034389 - 21 Cal. Daily Op. Serv. 2438

City filed petition for writ of mandate to challenge decision of the Superior Court overruling its demurrer to police officer's wife's complaint alleging negligence and dangerous condition of public property.

The Court of Appeal held that:

- City had no duty to protect wife from unsanitary conditions at police station, and
- Wife's claims fell within scope of statute immunizing city's decisions regarding prevention or control of disease.

City had no duty to protect police officer's wife from unsanitary conditions at police station, and thus was not subject to liability under Government Claims Act after she contracted typhus from her husband after he was exposed to disease at station; wife had no contact with station and did not allege exposure to any condition of subject property.

Police officer's wife's claims against city arising from its alleged failure to remedy unsanitary conditions at police station, which caused her to contract typhus after her husband was exposed to disease at station, fell within scope of statute immunizing city's "decision to perform or not to perform any act to promote the public health of the community by preventing disease or controlling the communication of disease," absent allegation that city violated any mandatory duties with respect to its decisions relating to spread of typhus on city property.