

# **Bond Case Briefs**

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## **IMMUNITY - CALIFORNIA**

### **Sales v. City of Tustin**

**Court of Appeal, Fourth District, Division 3, California - June 8, 2021 - Cal.Rptr.3d - 2021 WL 2327869 - 21 Cal. Daily Op. Serv. 5489**

Mother brought action in federal court against city asserting federal civil rights claims and state wrongful death and civil rights claims arising from death of her son who was struck by vehicle while being pursued by police officers on foot.

The United States District Court for the Central District of California entered judgment against her on her federal claims and withdrew supplemental jurisdiction over her state-law claims. After the United States Court of Appeals for the Ninth Circuit affirmed, mother brought action asserting her state-law claims in state court. The Superior Court granted summary judgment in favor of city based on statute of limitations, and denied mother's motion for reconsideration. Mother appealed.

The Court of Appeal held that six-month limitations period under California's Tort Claims Act was tolled for 30 days from date United States Court of Appeals issued its mandate, not from date United States District Court dismissed mother's pendent state-law claims.

Six-month limitations period under California's Tort Claims Act for mother's wrongful death and civil rights claims against city in connection with death of her son, who was struck by vehicle while being pursued by police officers on foot, was tolled for 30 days pursuant to federal supplemental jurisdiction statute from date United States Court of Appeals issued its mandate on mother's appeal as of right in her previous federal action, rather than from date United States District Court dismissed mother's pendent state-law claims or from date United States Court of Appeals filed its panel decision.