Bond Case Briefs

Municipal Finance Law Since 1971

LIABILITY - CALIFORNIA

Cavey v. Tualla

Court of Appeal, Fifth District, California - September 24, 2021 - Cal.Rptr.3d - 2021 WL 4343719 - 2021 Daily Journal D.A.R. 10,075

Plaintiff filed personal injury action against school district and district employee for injuries sustained in a traffic accident involving a school district vehicle.

The Superior Court sustained school district's demurrer without leave to amend and entered a judgment of dismissal. Plaintiff appealed.

The Court of Appeal held that:

- As a matter of first impression, a claim is presented "by a person acting on the claimant's behalf" within the meaning of the Government Claims Act if the claimant knowingly and intentionally authorized the third person to present it or knowingly and intentionally ratified the claim after it was presented;
- As a matter of first impression, an unauthorized, unratified claim is a nullity under the Government Claims Act and has no legal effect;
- Plaintiff's timely filing of lawsuit against school district operated as a repudiation of the claim presented to district by chiropractic clinic;
- School district did not clearly and affirmatively established it was unduly prejudiced by plaintiff's repudiation of claim submitted by chiropractic clinic;
- Claim submitted by chiropractic clinic was a nullity and, therefore, was invalid with no force or effect; and
- School district's notice of rejection of claim filed by chiropractic clinic was defective and did not start six-month statute of limitations.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com