
IMMUNITY - CALIFORNIA

Hernandez v. City of Stockton

Court of Appeal, Third District, California - April 28, 2023 - Cal.Rptr.3d - 2023 WL 3142328

Plaintiff filed a personal injury action after the city rejected his government claim for damages sustained in a fall caused by an allegedly defective public sidewalk.

The Superior Court granted the city's motion for summary judgment. Plaintiff appealed.

The Court of Appeal held that:

- Plaintiff's failure to comply with Government Claims Act precluded him from bringing a civil action for injuries allegedly caused by a defective public sidewalk;
- Plaintiff did not substantially comply with the claims presentation requirement of the Act; and
- Plaintiff was not excused from compliance with the Act even in the face of city's actual knowledge.

Plaintiff's failure to comply with the claim presentation requirement of the Government Claims Act precluded him from bringing a civil action against city for injuries sustained in a fall allegedly caused by a defective public sidewalk, where plaintiff's government claim specifically and solely identified an "uplifted sidewalk" as the dangerous condition that caused his injuries, but his civil action, liability was premised on a different dangerous condition, i.e. a hole created by an empty tree well.

Plaintiff who brought a civil action against city for injuries sustained in a fall allegedly caused by a defective public sidewalk did not substantially comply with the claims presentation requirement of the Government Claims Act, where he specifically identified the dangerous condition as an "uplifted sidewalk" in his government claim, but identified the defect in his civil action as hole caused by an empty tree well, which was not a further description or clarification of his allegation of an uplifted sidewalk, but was an entirely different description.

City engineer's deposition testimony that, after reviewing plaintiff's deposition transcript, he knew plaintiff's claim against city was based on plaintiff tripping in a hole created by an empty tree well did not require reversal of trial court's grant of summary judgment for city based on plaintiff's failure to comply with notice requirements of the Government Claims Act, where plaintiff was not excused from compliance with the Act even in the face of city's actual knowledge, and there was nothing in the record showing that the city was aware of the actual cause of plaintiff's fall prior to the rejection of his government claim.

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