

Bond Case Briefs

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PUBLIC UTILITIES - CALIFORNIA

Sacramento Municipal Utility District v. Kwan

Court of Appeal, Third District, California - April 30, 2024 - Cal.Rptr.3d - 2024 WL 1874962

Municipal electric utility brought action against customer, asserting claims for power theft, conversion, and account stated, based on allegations that power was diverted for cannabis grow operation.

Following court trial, the Superior Court, Sacramento County found customer liable for aiding and abetting utility diversion and awarded \$82,661.13 as treble damages plus \$82,000 as costs and attorney fees. Customer appealed.

The Court of Appeal held that:

- Substantial evidence supported finding that customer aided and abetted power diversion;
- Utility established fact of proximately caused injury from date of account creation with reasonable certainty; and
- Trial court acted within its discretion in awarding treble damages and attorney fees.