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RESOLUTION

HON. TRICIA BIGELOW CASE LIST

Sexual Assault Claims

Safechuck v. MJJ Productions

1/3/20

43 Cal.App.5th 1094

Alleged victims of childhood sexual assault by Michael Jackson, who were between the ages of 26 and 40 at the time of filing, sued Jackson's corporations as third-party non perpetrators for intentional infliction of emotional distress, negligence, negligent supervision, negligent retention/hiring, negligent failure to warn, train, or educate, and breach of fiduciary duty. The trial court granted summary judgment in favor of Jackson's corporations in one case and sustained the corporations' demurrer in another case. Alleged victims appealed, arguing their claims were timely under the amended Code of Civil Procedure section 340.1, which allowed victims to bring claims of childhood sexual assault against third-party non perpetrators until the victims reached 40 years of age.

Dickinson v. Cosby

7/26/19

37 Cal.App.5th 1138

Alleged rape victim, who was a well-known model and television personality, sued her alleged rapist, a well-known comedian and television actor, for defamation and related causes of action, arising from a demand letter and press release issued by the alleged rapist's attorney regarding alleged victim's public disclosure of rape allegations, and alleged victim subsequently filed a first amended complaint adding attorney as a defendant and additional claims. The trial court granted the defendant's motion to strike the first amended complaint on procedural grounds and granted the alleged rapist's anti-SLAPP motion in part. The parties filed cross-appeals. The Court of Appeal affirmed in part and reversed in part. On remand, the defendants filed anti-SLAPP motions seeking to strike claims in the alleged victim's first amended complaint. The trial court granted the attorney's motion in its entirety and granted the alleged rapist's motion in part. The alleged rapist appealed, arguing the decision on prior appeal that defamation claims based on a demand letter and first press release were barred under the anti-SLAPP statute was law of the case; there was insufficient evidence showing alleged rapist approved or authorized allegedly defamatory statements; there was insufficient evidence showing alleged rapist ratified allegedly defamatory statements; alleged victim produced insufficient evidence to show that press releases were "of and concerning" victim; and alleged victim produced insufficient evidence showing that press releases contained assertions of fact actionable as defamation.

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Doe v. Los Angeles County Dept. of Children & Family Services

6/20/19

37 Cal.App.5th 675

Foster child filed action against county department of children and family services and private foster care agency for negligence and failure to perform statutorily mandated duties, which foster child claimed resulted in sexual abuse by her foster mother's two adult sons. The trial court granted the defendant's motion for nonsuit, and subsequently granted in part the foster child's motion to tax costs and the county's motion for attorney's fees. Foster child appealed, arguing sons' sexual abuse of foster child was foreseeable, triggering a duty by the agency to protect her from misconduct; the department's failure to perform its duties proximately caused her injuries; the trial court abused its discretion in denying leave to file a fifth amended complaint; trial court abused its discretion in concluding that foster child unreasonably failed to admit requests for admission; grant of nonsuit precluded award of costs; and trial court abused its discretion in awarding department service of process and other fees as prevailing party.

Doe II v. MySpace Inc.

6/30/09

175 Cal.App.4th 561

Minor females, through their parents or guardians, brought negligence, gross negligence, and strict product liability claims against social networking internet web site, alleging that they were sexually assaulted by men they met through the site. The trial court sustained web site's demurrers without leave to amend and dismissed the complaints. Minor females appealed, arguing MySpace had no immunity under the Communications Decency Act because their complaint did not treat MySpace as a publisher, rather, MySpace was an information content provider because it allowed the attackers to channel information in profiles, search and browse profiles for particular characteristics and then use the results of those queries to locate, contact, and eventually sexually assault the victims.

A.N. v. County of Los Angeles

3/5/09 171 Cal.App.4th 1058

Minor, by and through his guardian ad litem, filed a complaint for damages against the Los Angeles County, Los Angeles County Sheriff various deputies for negligence, violation of the Unruh Civil Rights Act, failure to prevent violation of civil rights, violation of constitutional rights, conspiracy to conceal violation of constitutional rights, and violation of 42 U.S.C. section 1985. All of the minor's causes of action were based on the following allegations: Minor was in custody at the County's juvenile hall facility in Sylmar. While the minor was in custody, deputies housed the minor with a juvenile whom they knew or should have known had violent propensities, and thereafter unreasonably failed to supervise the minor's safety. The other juvenile sexually abused the minor. The individual defendants filed a "motion to quash" on the ground that the minor had unreasonably delayed in filing and serving Doe amendments.

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Santos v. Scott Villa Apartments, L.P.

1/28/10

2010 WL 317803

Mother filed a wrongful death action against the apartment complex and property management company, after the murder of her daughter. Mother alleged defendant's maintenance worker killed her daughter and the defendant's negligence as his employer made them liable for her daughter's death. The defendants did not do a background check on the employee, and the police investigation revealed the employee was a convicted felon and registered sex offender before the defendants hired him. It was also discovered the employee had burglarized a number of units in the apartment complex and had also sexually assaulted a housekeeper who cleaned the apartments. A jury returned a verdict for the mother. The trial court denied the defendant's motion for a judgment notwithstanding the verdict but granted their motion for a new trial. The mother appealed the order granting the motion for a new trial. Defendants cross-appealed, challenging the order denying the JNOV, and further protectively cross-appealed on the grounds that insufficient evidence supported the jury's verdict, the damages award was unsupported by the record, and the jury improperly apportioned damages.