

CALIFORNIA CASELAW HIGHLIGHTS

CIVIL PROCEDURE

A suspended corporation which files notices of appeal while its corporate powers are suspended may proceed with the appeals after its corporate powers are revived. ***Bourhis v. Lord***, 2013 WL 781582 (Cal. 2013).

A boat owner may not be adjudged liable for wrongful death as the joint venturer with a maritime tour operator when the existence of a joint venture was never alleged in the complaint, it was not an issue litigated at trial, the jury was not instructed on it, and the special verdict form asked no questions about it. ***Simmons v. Ware***, 2013 WL 526727 (Cal.App. 2013).

A Delaware court's prior adjudication acts as collateral estoppel in a California case involving the same parties and the same issues, even if the Delaware court's ruling was allegedly improper. *Proctor v. Vishay Intertechnology, Inc.*, 2013 WL 628319 (Cal.App. 2013).

EMPLOYMENT

An employee who has exhausted all permissible leave under the Pregnancy Disability Leave Act may sue her employer for employment discrimination under FEHA if employment is terminated due to her failure to return to work while still disabled by a high-risk pregnancy. ***Sanchez v. Swissport, Inc.***, 2013 WL 635266 (Cal.App. 2013).

GENERAL LIABILITY

Under the Holder Rule, the purchaser of a product may sue the seller's assignee for claims which the purchaser may have asserted against the buyer regarding the purchase. ***Lafferty v. Wells Fargo Bank***, 2013 WL 412900 (Cal.App. 2013).

The California Highway Patrol has no affirmative duty to warn a passenger bus about a stranded vehicle, and thereby prevent an impending collision, unless the CHP did something to create the peril, or contribute to, increase, or change the risk that otherwise exists. ***Greyhound Bus Lines, Inc. v. Department of the California Highway Patrol***, 2013 WL 552635 (Cal.App. 2013).

HEALTHCARE

A hospital patient who is injured when a bedrail collapses may sue the hospital for general negligence, which has a longer statute of limitations than a claim for professional malpractice. ***Flores v. Presbyterian Intercommunity Hospital***, 2013 WL 693470 (Cal.App. 2013).

INSURANCE

When an employer is only vicariously liable for the actions of its tortfeasor employee, all the primary and excess policies covering the employee must be exhausted before the employer's umbrella policy must contribute to indemnify a third-party lawsuit. ***GuideOne Mutual Insurance Company v. Utica National Insurance Group***, 2013 WL 765651 (Cal.App. 2013).

CAVEAT: THE FOREGOING DOES NOT CONSTITUTE LEGAL ADVICE. PLEASE CONSULT AN ATTORNEY FOR INDIVIDUAL ADVICE REGARDING INDIVIDUAL SITUATIONS.