

CALIFORNIA COURT OF APPEAL, FIRST DISTRICT, DIVISION ONE

Chase v. State of California

67 Cal. App. 3d 808, 136 Cal. Rptr. 833 (Cal. Ct. App. 1977) · No. 38822 · Decided March 4, 1977

SUMMARY

The California Court of Appeal held that a plaintiff did not timely commence an action against the State of California under the Tort Claims Act. Although the plaintiff filed an original complaint naming fictitious Doe defendants within six months after rejection of his claim, the State was not named or identified until approximately 20 months later. The court concluded that the Act's mandatory six-month commencement requirement was not satisfied through later substitution of the State as a Doe defendant and affirmed dismissal.

CASE DETAILS

COURT	California Court of Appeal, First District, Division One
WRITING FOR THE COURT	Elkington, J.; Molinari, P.J.; Sims, J.
JURISDICTION	California
DECIDED	March 4, 1977
DOCKET	38822
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from a judgment of dismissal entered after the superior court sustained the State of California's demurrer without leave to amend.
STANDARD OF REVIEW	The appellate court reviewed the judgment of dismissal following the sustaining of a demurrer without leave to amend, determining whether the complaint stated a timely cause of action under the Tort Claims Act.
PRECEDENTIAL VALUE	Published California Court of Appeal opinion; precedential under California law unless otherwise limited.
PARTIES	Steven A. Chase v. State of California

TOPICS

- statute of limitations
- civil procedure
- statutory interpretation
- municipal law
- personal injury

PRACTICE AREAS

California Tort Claims Act

governmental liability

civil procedure

statutory interpretation

personal injury

QUESTIONS PRESENTED

1. Whether filing an action naming Doe defendants, without naming or alleging a cause of action against the State of California, commenced an action against the State within six months after rejection of the Tort Claims Act claim.
2. Whether California Code of Civil Procedure section 474's fictitious-defendant relation-back rule applies to satisfy the California Tort Claims Act's mandatory six-month commencement requirement.

HOLDINGS

1. The original complaint did not commence an action against the State because the State was not named, identified, or alleged to be liable when the action was filed; adding the State 20 months later did not satisfy the requirement that an action against the State be commenced within six months after rejection of the claim.
2. The six-month period for commencing an action against the State is absolute and is not extended by the plaintiff's lack of knowledge, mistake, inadvertence, or later discovery of facts indicating the State's involvement.

KEY QUOTATIONS

"But the act manifests a purpose that the time within which an action may be commenced under it is absolute, and will not be extended for any reason." (812)

"It does violence to reason, and to language, to conclude that the filing of the original complaint constituted 'commencement of an action' against any and every public entity who might later be chosen to replace a 'Doe.'" (813)

"The Tort Claims Act permits no similar liberality in derogation of its mandate that in a case such as that at bench, the action must be commenced against the state within six months from its rejection of a claim." (814)

FACTUAL BACKGROUND

Chase alleged that he suffered personal injuries proximately caused by the State's negligence. He timely presented a claim under the Tort Claims Act, but the State Board of Control rejected it. Within six months after rejection, he filed an action naming eight private defendants and Doe defendants, but neither named the State nor alleged the presentation and rejection of his claim. About 20 months later, after learning facts indicating the State's involvement, he amended the complaint to name the State as Doe Twenty.

PROCEDURAL HISTORY

Chase timely filed a claim under the California Tort Claims Act, but the claim was rejected by the State Board of Control. He commenced an action within six months of rejection against other defendants and Doe defendants, but did not name or allege a claim against the State. Approximately 20 months later, he amended the complaint

to name the State as Doe Twenty. The State demurred on the ground that the action was not commenced within the statutory six-month period; the demurrer was sustained without leave to amend and the action was dismissed. The Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Garrett v. Crown Coach Corp., 259 Cal. App. 2d 647, 66 Cal. Rptr. 590
- Mishalow v. Horwald, 231 Cal. App. 2d 517, 41 Cal. Rptr. 895
- Johnson v. Goodyear Tire & Rubber Co., 216 Cal. App. 2d 133, 30 Cal. Rptr. 650
- Austin v. Massachusetts Bonding & Insurance Co., 56 Cal. 2d 596, 602-603, 15 Cal. Rptr. 817, 364 P.2d 681 (1961)
- California State Automobile Association Inter-Insurance Bureau v. Cohen, 44 Cal. App. 3d 387, 392, 118 Cal. Rptr. 890
- City of Los Angeles v. County of Los Angeles, 9 Cal. 2d 624, 629, 72 P.2d 138, 113 A.L.R. 370
- Stanley v. City and County of San Francisco, 48 Cal. App. 3d 575, 579-580, 121 Cal. Rptr. 842
- Yasunaga v. Stockburger, 43 Cal. App. 2d 396, 400-401, 111 P.2d 34
- Chas. L. Harney, Inc. v. State of California, 217 Cal. App. 2d 77, 90, 102, 31 Cal. Rptr. 524
- Board of Supervisors v. Simpson, 36 Cal. 2d 671, 675-676, 227 P.2d 14
- Gill v. Johnson, 103 Cal. App. 234, 237, 284 P. 510
- Hunter v. County of Los Angeles, 262 Cal. App. 2d 820, 822, 69 Cal. Rptr. 288
- Dias v. Eden Township Hospital District, 57 Cal. 2d 502, 20 Cal. Rptr. 630, 370 P.2d 334
- Veriddo v. Renaud, 35 Cal. 2d 263, 265, 217 P.2d 647