

SUMMARY JUDGMENT

*California, Northern Area + Greater San Diego -
Sims, Lawrence & Broghammer*

The Superior Court of California in the County of Madera granted summary judgment in favor of Defendant Central Valley Regional Center (“CVRC”) in a third-party negligence action. Plaintiff and her roommate contract with a CVRC vendor to provide family home services to developmentally and intellectually disabled adults (consumers) in exchange for compensation paid by a CVRC vendor, as authorized under the Lanterman Act and Title 17 of the California Code of Regulations. The suit arose after a physical altercation between Plaintiff, one of the home providers and a consumer living in her home.

The Court found that CVRC did not owe a duty to Plaintiff under the Lanterman Act, general tort law, or public policy. The Court reasoned: (1) the Lanterman Act establishes the duties owed by regional centers to disabled individuals (i.e., regional center “consumers”), not to employees or independent contractors of a vendor facility; (2) there is no special relationship between an independent contractor (such as Plaintiff) of a family home agency and a regional center – the burden of preventing criminal conduct against a contractor should not be imposed on a regional center; and (3) allowing liability of this nature is averse to express public policy, by diverting regional centers’ focus away from their statutory duties to consumers and instead towards consideration of risks to employees/independent contractors.

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