

'No. B351726

In the Court of Appeal, State of California
SECOND APPELLATE DISTRICT, DIVISION EIGHT

The People of the State of California,
Appellants, **[Exempt From Filing Fee
Government Code § 6103]**

vs.

City of Los Angeles/Los Angeles World Airports,
Respondent.

Appeal from a judgment of the Superior Court of the State of
California,
County of Los Angeles.
Honorable Keith L. Schwartz; Honorable Joseph J. Burghardt
Case No. 225ARCF01996-01

**APPLICATION FOR LEAVE TO FILE AMICUS BRIEF AND
PROPOSED AMICUS BRIEF OF AMICI LEAGUE OF
CALIFORNIA CITIES, CALIFORNIA STATE ASSOCIATION
OF COUNTIES, CALIFORNIA SPECIAL DISTRICTS
ASSOCIATION, AND INTERNATIONAL MUNICIPAL
LAWYERS ASSOCIATION IN SUPPORT OF RESPONDENT
CITY OF LOS ANGELES**

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CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

This is the initial certificate of interested entities or persons submitted on behalf of Amici Curiae League of California Cities, California State Association of Counties, California Special Districts Association, and International Municipal Lawyers Association in the case number listed above.

The undersigned certifies there are no interested entities or persons that must be listed in this Certificate under California Rules of Court, Rule 8.208.

DATED: August 19, 2026

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**APPLICATION TO THE HONORABLE PRESIDING
JUSTICE FOR PERMISSION TO FILE AMICUS CURIAE
BRIEF**

Pursuant to California Rules of Court, 8.520(f), the California Cities and California Special Districts Association (together, “Local Government Amici”) respectfully seek leave to file the amici curiae brief accompanying this application in support of Respondent City of Los Angeles.

The issues in this case are significant to Local Government Amici because they involve fundamental questions about the scope of criminal liability for local government entities and their departments under California law that affect local governments statewide.

First, this case presents the question of whether municipal departments—which lack separate legal existence under California law—can be prosecuted as distinct juridical entities apart from the municipalities they serve. The attempt to prosecute a city department as though it were a separate criminal defendant threatens to undermine this settled framework and create confusion about the legal status of the hundreds of municipal departments, county departments, and special district divisions operating throughout California.

Second, accepting Appellant's novel theory would lead to a drastic change in how these laws are enforced and unequal results

across California's system of local government, when the proper enforcement mechanisms already exist without resort to criminal prosecution of municipal entities

Local Government Amici represent the interests of cities, counties, and special districts that collectively employ hundreds of thousands of workers throughout California and operate under parallel occupational safety obligations. A ruling upholding criminal prosecution of municipal entities would expose every California local government to criminal liability under a legal theory that has been rejected for nearly a century, fundamentally alter the landscape of municipal governance and risk allocation, and divert scarce public resources from core services to criminal defense costs—all without meaningfully advancing workplace safety beyond the individual-accountability mechanisms already in place.

Local Government Amici wish to address these issues and believe their proposed brief will assist the Court to decide the issues this appeal presents.

IDENTITY AND INTEREST OF AMICI CURIAE

The **League of California Cities** (Cal Cities) is an association of 470 California cities dedicated to protecting and restoring local control to provide for the public health, safety, and welfare of their residents, and to enhance the quality of life for all

Californians. Cal Cities is advised by its Legal Advocacy Committee, comprised of 27 city attorneys from all regions of the State. The Committee monitors litigation of concern to municipalities and identifies those cases that have statewide or nationwide significance. The Committee has identified this case as having such significance.

The **California State Association of Counties** (CSAC) is a non-profit corporation. The membership consists of the 58 California counties. CSAC sponsors a Litigation Coordination Program, which is administered by the County Counsels' Association of California and is overseen by the Association's Litigation Overview Committee, comprised of county counsels throughout the state. The Litigation Overview Committee monitors litigation of concern to counties statewide and has determined that this case is a matter affecting all counties.

The **California Special Districts Association** (CSDA) is a nonprofit organization with membership consisting of over 1,000 special districts throughout California formed in 1969 to promote good governance and improve core local services through professional development, advocacy, and other services for all types of independent special districts. Independent special districts provide a wide variety of public services to urban, suburban, and rural communities, including irrigation, water, recreation and parks, cemetery, fire protection, utilities, harbor, healthcare,

community service districts, and more. CSDA is advised by its Legal Advisory Working Group, comprised of attorneys from all regions of the state with an interest in legal issues related to special districts. CSDA monitors litigation of concern to special districts and has determined that this case involves issues that are of statewide significance to CSDA member districts.

The **International Municipal Lawyers Association** (“IMLA”) is the nation’s oldest and largest organization devoted solely to local government law. A nonprofit, nonpartisan, professional organization, IMLA’s membership comprises more than 2,500 local government entities, including cities, counties, and subdivisions thereof, as represented by their chief legal officers, state municipal leagues, and individual attorneys. IMLA’s mission is to advance the responsible development of municipal law through education and advocacy by providing the collective viewpoint of local governments around the country on legal issues before the United States Supreme Court, as well as state and federal appellate courts.

IMLA’s interest in this case applies not only to Respondent City of Los Angeles/Los Angeles World Airports, but to local governments across the nation. As Respondent points out, there is virtually no instance of an American local government being prosecuted on felony grounds in the last century. This is for good reason, given that local governments are not “persons” for criminal

purposes. The nation's legislatures have found other means to override governmental immunity in limited instances, eschewing criminal sanctions for good reason: not only is it impossible to incarcerate or otherwise inflict a similar spatial deprivation on a governmental entity, but the other element in criminal punishment—financial penalty—is already covered by numerous civil mechanisms including tort. Criminal law provides punishment and accountability for individual governmental actors who break the law. It is impractical and legally unsupportable when applied to local governments, and the court below properly declined to consider such an aberrant exercise.

The **International Municipal Lawyers Association** (“IMLA”) is a nonprofit, nonpartisan, professional organization consisting of more than 2,500 members. Membership is composed of local government entities, including cities, counties, and subdivisions thereof, as represented by their chief legal officers, state municipal leagues, and individual attorneys. IMLA's mission is to advance the responsible development of municipal law through education and advocacy by providing the collective viewpoint of local governments around the country on legal issues before the United States Supreme Court, as well as state and federal appellate courts.

CONCLUSION

For the reasons stated in this application and further developed in the proposed brief, Local Government Amici respectfully request leave to file the amici curiae brief submitted concurrently with this application.

The law firm of Michael W. Webb, a PLC, authored the brief on a pro bono basis, and no other person made a monetary contribution to its preparation or submission.

Respectfully submitted.

DATED: August 19, 2026

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AMICUS CURIAE BRIEF IN SUPPORT OF RESPONDENT

INTRODUCTION AND SUMMARY OF ARGUMENT

Local Government Amici concur with Respondent City of Los Angeles that a city is not subject to criminal prosecution under Labor Code § 6425(a), for all the reasons articulated in Respondent's brief. Local Government Amici write this brief to address another fundamental question of criminal law and municipal governance embedded within Appellant's unprecedented attempt to criminally prosecute the City of Los Angeles:

Can the State prosecute a municipal department—a component of a city that lacks independent legal existence—as though it were a separate juridical entity? The answer is no. California law has consistently recognized that municipal departments are not independent legal persons. They have no separate corporate existence, no power to sue or be sued, and no capacity to incur obligations except as instrumentalities of the city they serve. The criminal information here names "City of Los Angeles/Los Angeles World Airports" as the defendant, yet Los Angeles World Airports (LAWA) is not a distinct legal entity—it is a department of the City of Los Angeles established by the City Charter.

Courts have repeatedly rejected efforts to treat municipal departments as separate entities for purposes of tort liability,

workers' compensation, and civil rights claims. The rationale underlying those holdings applies with equal force in the criminal context: a department cannot be prosecuted separately from the municipality of which it forms a part. Because a municipality is not subject to criminal prosecution under Labor Code § 6425(a), Appellant's attempts to justify its attempted prosecution by appealing to LAWA's status as a proprietary department of the City fail.

JOINDER IN CITY OF LOS ANGELES' STATEMENT OF FACTS

Local Government Amici join in the Statement of Facts of Respondent City of Los Angeles. (Cal. Rules of Court, 8.204, and 8.520)

ARGUMENT

I. CITY DEPARTMENTS LACK SEPARATE LEGAL EXISTENCE UNDER CALIFORNIA LAW AND CANNOT BE PROSECUTED AS DISTINCT LEGAL ENTITIES

California courts have consistently held that municipal departments and subdivisions lack independent legal capacity unless explicitly granted separate legal status by statute or charter. The cases have applied that principle in a variety of areas of the law.

For example, in a criminal case, *People v. Tice*, 89 Cal. App. 5th 246, 254 (2023), the Court of Appeal held that a county sheriff's department "is not a separate government entity, but is a department" of the county, and therefore not a separate legal entity for purposes of liability. (quoting *Pierce v. San Mateo County Sheriff's Dept.* 232 Cal.App.4th 995, 1000 (2014) fn. 1 - a civil rights case.)

Appellant repeatedly acknowledges this principle of law throughout its briefs. "LAWA fits within this definition because it is a department of the City of Los Angeles. Within the charter for the City of Los Angeles are provisions establishing the Department of Airports (Los Angeles City Charter, Art. VI, §§ 630–637), which is alternatively known as the Los Angeles World Airports. (*Id.* at § 637.) LAWA is one of the 'proprietary departments' of the city, which also includes the Harbor Department and the Department of Water and Power. (*Id.* at § 600, subd. (a))" (Appellant's Opening Brief, p. 22). In their reply brief Appellant states that "[e]veryone agrees that LAWA is a department of the City of Los Angeles, albeit one that is in the business of running airports. (Appellant's Reply Brief, p. 9).

II. APPELLANT'S THEORY THAT PROSECUTION OF A PROPRIETARY DEPARTMENT IS DIFFERENT HAS BEEN REJECTED BY THE COURTS

Appellant immediately undermines that acknowledgment in the very next sentence by concluding that LAWA is the employer (*Id.*, p. 10) and fashioning the case throughout its briefs as against the LAWA, a city department. Appellant's rationale seems to be that LAWA is one of the proprietary Departments of the city. Appellant repeatedly makes that argument. "Moreover, there is certainly nothing absurd or wrong about prosecuting a proprietary entity like LAWA just because it is technically a city department." (Appellant's Opening Brief, p. 31). And "[m]oreover, it is not clear that California would protect government entities from criminal liability when it operates a business". (*Id.*, p. 50). And finally, "[h]ere, although LAWA was a department of the City of Los Angeles, it was not performing a government function; it was operating the Los Angeles International Airport (among others). It is doubtful that it would have been immune from suit even before the Government Claims Act. By extension, there is no strong argument it should have immunity from criminal sanctions that are applicable to private entities." (*Id.*, p. 51).

Courts have repeatedly rejected this rationale. In *Walker v. San Francisco*, 97 Cal. App. 2d 901 (1950), a firefighter was killed when his fire truck collided with a streetcar operated by a municipal streetcar employee. Both the firefighter and the streetcar employee were employed by the City and County of San Francisco. The decedent's widow and daughters brought a

negligence action against the city and county. On appeal from a judgment on the pleadings, they claimed that workers' compensation was not the exclusive remedy because the municipal railway was operated by San Francisco in its proprietary capacity, while fire protection is a governmental function. (*Walker*, 97 Cal. App. 2d at 902) The appellate court was unpersuaded, seeing a clear distinction between two separate corporate entities and a single governmental entity. (*Id.* at 904-908.) Noting that the City and County of San Francisco was the employer of both the decedent and the allegedly negligent streetcar operator, the court concluded that workers' compensation was the sole remedy. (*Id.*)

In *Vann v. City and County of San Francisco*, 97 Cal. App. 5th 1013, 1019 (2023), the Court of Appeal held that the San Francisco Fire Department and the San Francisco Municipal Transportation Agency (SFMTA) are not legally separate from the City and County of San Francisco. The court applied the principle that if an entity is not independent, it is not properly named as a defendant. (*Id.* at 1025). The Appellant argued that SFMTA's funding was separate and that it was governed by its own board of directors, but the court noted that the directors were appointed by the Mayor and confirmed by the Board of Supervisors. Additionally, there were other Charter sections providing for oversight. The Court rejected appellant's assertion that SFMTA was "plainly intended" to exist independently of the City. "While

SFMTA undoubtedly enjoys autonomy over various aspects of its operations, in other significant areas it still must collaborate with, or answer to, other departments of the City and its elected officials. SFMTA is simply a part of, and subordinate to, the City it serves.” (*Id.* at 1027).

LAWA fits squarely within this framework. LAWA is a department of the City of Los Angeles, established by Article VI §§ 600-637 of the City Charter. It is governed by a Board of Airport Commissioners who are appointed by the Mayor subject to the approval by the City Council. (Charter §§ 630 and 502(a)). The Commissioners are subject to removal by the Mayor without Council confirmation. (Charter § 502(d)). The board appoints the General Manager but subject to confirmation by the Mayor and City Council. The board can remove the General Manager but only subject to approval by the Mayor. (Charter § 604). Every two years, in conjunction with submittal of its annual budget, the Airport Department is required submit a debt accountability and major capital improvement plan to the Mayor, Council, and City Controller. (Charter § 610) LAWA has no independent corporate existence, no separate power to sue or be sued, and no authority to incur obligations except as an instrumentality of the City.

III. THE PROSECUTION OF MUNICIPAL ENTITIES UNDER CURRENT STATE LAW WOULD LEAD TO

ABSURD AND UNEQUAL RESULTS

Appellant concedes that “criminally prosecuting a government entity is unusual” (Appellant’s Reply Brief, p. 8) and has been for nearly 100 years. (Appellant’s Opening Brief, p. 48) In seeking approval for this departure from this long-established practice, Appellant asks the Court to consider that they do “not want to prosecute a city per se: we want to prosecute the entity that runs LAX.” (Appellant’s Reply Brief, p. 8) However, as seen above, that approach of separating a department from its city or county has been rejected by the courts for decades.

Appellant attempts to use its intent of prosecuting departments as a shield from the absurd consequences if its novel theory was accepted as law. Appellant states there are “practical barriers” which would prevent the absurdities that Respondent quite correctly points out are the logical and direct consequences if Appellant’s theory were to be adopted, such as the State of California prosecuting the State of California. These “practical barriers” however would actually lead to more absurdities and defeat the very purpose behind the theory that all employers be held accountable.

By Appellant’s own admission, the State of California would be practically impossible to prosecute without its consent. Appellant also acknowledges the impracticality of the District Attorney’s Office

prosecuting the entity that sets its budget (not to mention the employees' pay scale) suggesting instead that prosecution could be of a county level entity. This would rarely be possible for the reasons discussed above and only when the department was plainly intended to exist independently of the county.

Thus, assuming *arguendo*, that the Appellant's novel theory is correct, rather than achieving its stated goal of all government employers being held liable, it would instead set up an arbitrary and confusing system where government entities would face differing levels of prosecution based primarily on the level of government and which entity handles prosecution. The State and counties could not be prosecuted for a felony and could only be prosecuted for a misdemeanor violation if it occurred in a city where a city attorney or city prosecutor prosecutes state misdemeanors. (Cal. Gov. Code § 72193). If Appellant's theory is ruled correct, a city that prosecutes state misdemeanors could only be prosecuted for a felony but not a misdemeanor. Every governmental employer could face felony or misdemeanor charges. This system is irrational, arbitrary and the type of "absurd consequences the Legislature did not intend." (*Gutierrez v. Tostado*, 18 Cal.5th 222, 231 (2025)). Moreover, if "all government employers" cannot be prosecuted, as Appellant concedes, then Appellant's argument that Labor Code § 6450 reaches all public

agencies referenced in § 3300, including the city, state and county governments, falls apart. In other words, the practical barriers to prosecuting all government employers demonstrates the invalidity of interpreting Labor Code § 6450 to all government employers.

Appellant is to be lauded for the diligence with it handles its enforcement responsibilities. But its novel theory in this case is not only incorrect, won't meet its stated goal, and will create absurd results, it is unnecessary. Appellant has, and uses, the current legal tools available to enforce the law in this area. In this case alone, there are already ongoing criminal cases against two city employees who have been charged in this case below. People v. Wong, Case No. 25ARCF01996-04 and People v. Rodriguez, Case No. 25ARCF01996-05. There are also open serious citations from this incident. OSHA Inspection Number 1633787.015 [Inspection Detail | Occupational Safety and Health Administration osha.gov](#).

CONCLUSION

For these reasons, Local Government Amici respectfully request this Court affirm the trial court's ruling.

DATED: August 19, 2026

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**CERTIFICATE OF COMPLIANCE WITH
CAL. RULES OF COURT, RULE 8.520**

Pursuant to California Rules of Court, Rule 8.520, the foregoing AMICI BRIEF IN SUPPORT OF RESPONDENT is produced using 13-point Century Schoolbook font and contains 2,904 words (excluding the tables, cover information, and Certifications) and is thus within the limit of 14,000 words. In preparing this Certificate, I relied on the word count generated by Microsoft Word.

PROOF OF SERVICE

I am a citizen of the United States. My business address is 553 N. Pacific Coast Hwy #B276, Redondo Beach, California, 90277. I am employed in the County of Los Angeles, where this service occurs. I am over 18 years old, and not a party to the cause. My electronic email address is mike@mikewebblaw.com.

On the date set forth below, according to ordinary business practice, I served the foregoing document(s) described as:

APPLICATION FOR LEAVE TO FILE AMICUS BRIEF AND PROPOSED AMICUS BRIEF IN SUPPORT OF RESPONDENT

(BY TRUEFILING ELECTRONIC SERVICE) On this date, a true and correct copy of the above-referenced document(s) was electronically served on counsel by means of transmitting the document through the TrueFiling website portal.

(BY OVERNIGHT DELIVERY) On this date, I placed the documents in an envelope(s) addressed to the person(s) on the attached service list and caused those envelopes to be delivered to an overnight delivery carrier, with delivery fees provided, for next-business-day delivery to whom it is to be served.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 19, 2026, in Los Angeles, California.

Michael W. Webb

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