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Digest: Manta Management Corp. v. City of San Bernardino

Mike M. Khalilpour

Opinion by Chin, J., expressing the unanimous view of the Court.

Issue

Can a city be liable under Title 42 of the United States Code section 1983¹ for judicially enforcing a zoning ordinance by obtaining a stay and preliminary injunction where the stay is later dissolved and the ordinance under which the preliminary injunction is granted is later declared unconstitutional?

Facts

In 1994, Manta Management Corp. (“Manta”) established a comedy nightclub in the city of San Bernardino (“the City”).² Shortly thereafter, Manta converted the club to an adult cabaret in violation of the City’s ordinance limiting the location of adult businesses.³

The City sued Manta in state court seeking to enjoin the adult business as a public nuisance and as a violation of the City’s zoning ordinance.⁴ Manta contended that the ordinance violated the United States and California Constitutions “as applied” for being “unduly restrictive.”⁵ The trial court found the zoning restrictions constitutional and granted the City’s preliminary injunction, noting the City’s likelihood of prevailing on the merits.⁶ Manta appealed and shortly thereafter filed a cross-complaint seeking monetary damages under 42 U.S.C. section 1983 (“Section 1983”).⁷

In 1996, the trial court dissolved the preliminary injunction and declared the City’s ordinance an infringement of Manta’s First Amendment right to speech “as applied.”⁸ The City appealed and was granted its request to stay the injunction pending the appeal.⁹ The Court of Appeal

¹ 42 U.S.C. § 1983 (2000).

² *Manta Mgmt. Corp. v. City of San Bernardino*, 181 P.3d 159, 161 (Cal. 2008).

³ *Id.*

⁴ *Id.* at 162.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

dismissed Manta's appeal from the order granting the preliminary injunction.¹⁰ In 1999, the Court of Appeal lifted its stay, and the California Supreme Court denied review.¹¹

In 2000, the issue of the City's liability under Section 1983 was brought to the trial court, which ruled that the acts "precipitating the preliminary injunction and stay were an effort to enforce an unconstitutional zoning ordinance."¹² The trial court held that such actions constituted a basis for Section 1983 liability; however, the court did not find the city's ordinance itself a basis for Section 1983 liability.¹³ Manta was awarded \$1.4 million in damages.¹⁴

The City appealed, contending that liability was improper under Section 1983, given that they had sought redress through the courts.¹⁵ The Court of Appeal affirmed, holding that "the city's act of obtaining an injunction to enforce an unconstitutional ordinance" violated the First Amendment within the meaning of Section 1983 and that a "city is liable for damages under section 1983 if it chooses to enforce an unconstitutional ordinance by means of a preliminary injunction."¹⁶ The Court of Appeal also held that "good faith" reliance on the trial court's issuance of the preliminary injunction would not provide immunity.¹⁷

Analysis

The California Supreme Court stated that the purpose of Section 1983 was to provide "compensation to those deprived of their federal rights by state actors" but that it was "not itself a source of substantive rights, but merely provides a method for vindicating federal rights elsewhere conferred."¹⁸

The Court outlined the elements necessary for a *prima facie* showing to prevail on a Section 1983 claim for monetary damages: "(1) whether plaintiff's harm was caused by a [federal] constitutional violation, and (2) if so, whether the city is responsible for that violation."¹⁹ The Court then continued to explain that liability depends namely upon "(1) the rules governing culpability and responsibility, including principles of causation and the rule against respondeat superior liability; (2) whether individual or governmental liability is at issue; and (3) the available immunities from liability."²⁰ The Court found relevant only the causation issue of how

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.* at 162-63 (internal quotations omitted).

¹³ *Id.* at 163.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.* (internal quotations omitted).

¹⁷ *Id.*

¹⁸ *Id.* (internal quotations omitted).

¹⁹ *Id.* at 163-64 (internal quotations omitted).

²⁰ *Id.* (internal quotations omitted).

related the City's acts or omissions were in bringing about the alleged injury.²¹

The Court narrowly addressed the question of whether, assuming *arguendo* that Manta's First Amendment rights were violated, the "act of seeking an injunction to enforce" and the subsequent act of "filing a petition for writ of supersedeas to obtain a stay" caused harm.²² The Court quickly disposed of the immunity issue, as the City was not seeking immunity from liability but was contending that their acts of gaining the stay and preliminary injunction did not *cause* the alleged injury.²³

Relying on out-of-state and federal case law dealing with Section 1983 litigation, as well as traditional tort concepts of causation, the Court agreed with other circuits.²⁴ The Court agreed that, absent misrepresentation or pressure from the state actor, a court's exercise of "independent judgment" would break the causal link and be considered an intervening event, thereby preventing the first actor from being liable for harm which an "antecedent wrongful act was a substantial factor in bringing about."²⁵

In viewing the causation principle in non-Section 1983 litigation, the Court noted that California appellate courts have found that the exercise of "independent judgment by a court constitutes an independent superseding cause."²⁶ The only exception to the intervening cause principle was when the party seeking an injunction or stay pending an appeal "either misled or pressured the court."²⁷

Holding

The Court held that a court's intervening exercise of independent judgment breaks the chain of causation for purposes of Section 1983 liability; however, material misrepresentations to the trial court would prevent the breaking of the chain of causation.²⁸

Legal Significance

This decision extends traditional tort concepts of causation to the realities of Section 1983 litigation. This allows state actors to judicially enforce their laws in a good faith belief that they are constitutional and valid at the time. This decision also benefits potential plaintiffs by providing an exception to the traditional causation principles, when and if

²¹ *Id.*

²² *Id.* (italics omitted).

²³ *Id.*

²⁴ *Id.* at 164-66.

²⁵ *Id.* at 164-66.

²⁶ *Id.* at 166-67.

²⁷ *Id.* at 167.

²⁸ *Id.*

material misrepresentations and pressure are used by the state actors to achieve judicial enforcement.