

EMPLOYMENT LAW UPDATE

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Chip Cox
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Mulder v. Pilot Air Freight (January 5, 2004) 04 C.D.O.S. 84

The California Supreme Court Held That The Litigation Privilege Under Civil Code Section 47(b) Protects Employers And Their Employees From Liability Arising Out Of Reporting Suspected Criminal Activity.

By Jason A. Geller and Jessica B. Rudin

An employee of Pilot Air Freight contacted the Los Angeles Police Department to report that third party Robert Mulder allegedly purchased a stolen flight recorder. Mulder was arrested and charged; however, these charges were ultimately dismissed.

Mulder then sued Pilot Air Freight and its employee for false imprisonment and intentional infliction of emotional distress. The trial court dismissed the complaint based on its determination that Pilot's and the employee's actions were privileged under Civil Code Section 47(b). Mulder asserted the privilege should not apply to causes of action for false imprisonment. The California Supreme Court rejected Mulder's argument and confirmed that the litigation privilege bars any action, other than malicious prosecution, which arises out of a report of possible wrongdoing that is made to an official governmental agency.

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