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8 UNITED STATES DISTRICT COURT
9 Northern District of California
10 Oakland Division

11 LAURA V WHITSITT, No. C 10-04996 LB
12 v. Plaintiff,
13 COUNTY OF SAN MATEO, **ORDER GRANTING DEFENDANT'S
14 Defendant. [ECF No. 31]**
15 _____ /

16 On November 7, 2011, Defendant County of San Mateo filed a motion for judgment on the
17 pleadings as to Plaintiff Laura Whitsitt's second claim, which alleged wrongful termination in
18 violation of public policy cause. ECF No. 31 at 1.¹ Defendant argues that, pursuant to section 815
19 of the California Government Code, public entities are immune from common law claims. *Id.* at 2.
20 Defendant further asserts that wrongful termination in violation of public policy cause of action is a
21 common law, judicially created tort. *Id.* (citing *Tamency v. Atlantic Richfield Co.*, 27 Cal.3d 167,
22 176-178 (Cal. 1980)). Defendant concludes that it is statutorily immune from Plaintiff's second
23 claim. *Id.* Plaintiff concedes that a governmental entity is not liable for a suit based on a common
24 law cause of action and, accordingly, does not object to the court striking its second cause of action.
25 Opposition, ECF No. 34 at 1.
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28 ¹ Citations are to the Electronic Case File ("ECF") with pin cites to the electronic page
number at the top of the document, not the pages at the bottom.

1 After considering the case history, moving papers, and law, the court determines that this matter
2 is appropriate for resolution without oral argument. N.D. Cal. L.R. 7-1(b). The court **VACATES**
3 the hearing and **GRANTS** Defendant's unopposed motion because it, as a public entity, is statutorily
4 immune from common law torts such as Plaintiff's second claim, which asserts wrongful
5 termination in violation of public policy cause. *See Miklosy v. Regents of University of California*,
6 44 Cal.4th 876, 899-900 (Cal. 2008).

IT IS SO ORDERED.

8 || Dated: December 2, 2011

LBC

LAUREL BEELER
United States Magistrate Judge

ORDER GRANTING DEFENDANT'S MOTION FOR JUDGMENT ON THE PLEADINGS
C 10-4996 LP