

For the International Municipal Lawyer's Association - IMLA's 5 things to know for March 9th

1. In California, the 9th Circuit certified an important question to the California Supreme Court. The issue is whether a pretrial hearing in which the court finds probable cause precludes a suit for false arrest. Obviously, the decision in this case could be significant for California jurisdictions.

<http://cdn.ca9.uscourts.gov/datastore/opinions/2018/03/07/16-16001.pdf>

2. Maybe because its California, but in a case having absolutely nothing to do with local government, but with interesting facts, a California couple decided to wed to keep peace with the family, but wanted to keep the marriage secret for purposes of a widow's pension and other financial reasons. They never turned in their marriage license and in a divorce sought by one, the other argued that there could be no divorce because the marriage license had not been recorded. Nope – you're married, but now you're divorced.

<http://www.courts.ca.gov/opinions/documents/B282120.PDF>

3. As many of you know, Washington allows voting by mail and includes a provision that where a ballot has a questionable signature that the auditor shall notify the voter by first class mail and if within three days of the election or no response to the notice, the auditor must try to call the voter. Is this duty mandatory such that the election is voided where the auditor fails in this duty? No. The election stands.

https://www.courts.wa.gov/opinions/pdf/351742_pub.pdf

4. The 7th Circuit decided a case involving claims of FMLA retaliation and ADA discrimination finding that an employee's claims could not stand the test of legitimacy. The employee claimed to have sleep apnea a diagnosed illness from several years before. The employee threw out the CPAP and never sought further treatment, but when fired for repeated tardiness possibly caused by oversleeping, the employee asserted claims of FMLA retaliation etc.

<http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2018/D03-07/C:16-3599:J:Coleman:aut:T:fnOp:N:2117987:S:0>

5. Not so lucky was a city in North Carolina where an officer took a promotional exam and failed. He reviewed the questions and answers and asserted that the answers were based on outdated legal decisions. The city refused to change the results of the exam. In a suit asserting a constitutional right under the North Carolina Constitution that

state's Supreme Court concluded the officer had a cause of action for deprivation of the constitutional protection of "the fruits of one's own labor".

<https://appellate.nccourts.org/opinions/?c=1&pdf=36657>

The Omni hotel is almost full. Don't wait to register for the hotel and our Seminar. Make sure you consider registering for our Supreme Court practice track, we only have a handful of seats left. Get more from IMLA by joining. Not a member? Contact us. Sign up at www.imla.org . Have a great day and a great weekend and make it an inspirational one.