

HIGHLIGHTS OF THE Spring 2026 EDITION TORTS (CALIFORNIA CIVIL PRACTICE GUIDE SERIES)

The Spring 2026 Edition of *Torts (California Civil Practice)* includes updates covering all recent case law and statutory changes, including, among many other matters:

- Code of Civil Procedure § 377.34, amended effective 2022 to allow plaintiff's in survival action to recover damages for a decedent's pain, suffering, or disfigurement, has been allowed to sunset effective January 1, 2026 (lawsuits filed between 2022 and 2025 preserves access to these damages). See § 9:2.
- Consumer Privacy Protections Expanded; CIPA Litigation Continues. California's new Delete Request and Opt-Out Platform (DROP) allows residents to submit a single deletion request to over 500 registered data brokers beginning January 1, 2026, with brokers required to process requests by August 1, 2026, and delete information within 90 days. AB 566 further requires browsers to include a built-in opt-out preference signal by January 1, 2027. California state and federal courts remain divided over whether common web tracking technologies constitute pen registers under CIPA § 638.51, leaving businesses facing significant uncertainty over routine online tracking practices. See § 20:10.
- *Whitehead v. City of Oakland*, holding agreements to exculpate a party for future violations of statutes designed to protect public safety violate Civil Code § 1668 and are unenforceable. See §§ 22:7, 25:53, 32:71.
- *Doe v. Mount Pleasant Elementary School Dist.*, discussing limited immunity for school-sponsored off-campus activities and specification of "field trips or excursions" as a type of off-premises activity warranting limits on district liability—irrespective of the supervision district employees did or should have provided. See § 1:12.