G | P
Grand Park Law Group
A Professional Corporation

Westside Towers
11835 W. Olympic Boulevard #870E
Los Angeles, California 90064

O:+1 888.629.4754
F: +1 310.900.0805

Theories of Liability & Common Defenses

Grand Park Law Group · 2026



Plaintiff's Theories of Liability

- Professional NegligenceMICRA Standard of Care
- Informed Consent ViolationCobbs v. Grant (1972)
- Res Ipsa LoquiturEvid. Code § 646
- Elder Abuse / EADACPAWelf. & Inst. Code § 15657
- Hospital Vicarious LiabilityMejia v. Community Hospital (2002)
- Medical Device Products LiabilityStrict Liability; 21 U.S.C. § 360k

Common Defense Theories

- MICRA Non-Economic CapMICRA; AB 35 (2023)
- Standard of Care DefenseExpert Medical Testimony
- 90-Day Notice FailureCCP § 364
- Causation DefensesAlternative Causation; Pre-Existing Condition
- Comparative Fault of PatientLi v. Yellow Cab; MICRA
- Federal Preemption21 U.S.C. § 360k; Riegel v. Medtronic

Practice	Medical Malpractice
Publication	Practice guide · 2026

Available online at malpractice.grandparklawgroup.com/articles/theories-of-liability-amp-common-defenses. This publication is provided for general information and is not legal advice.
© 2026 Grand Park Law Group, A.P.C. Attorney Advertising.