

On Halloween night in 2004, plaintiff Alexandra Van Horn, defendant Lisa Torti, and some other friends were relaxing at Torti's home, where both Van Horn and Torti smoked some marijuana. The friends went to a bar at 10:00 p.m., where they consumed several drinks before leaving at 1:30 in the morning. On the way home, Van Horn and Torti were passengers in two different cars. The driver of the car carrying Van Horn lost control and crashed into a curb and light pole at about 45 miles per hour, causing the vehicle's front air bags to deploy. The car carrying Torti pulled over and the occupants got out to help.

Torti removed Van Horn from the car. There is a dispute about how she did so. Torti testified that she placed one arm under Van Horn's legs and the other behind Van Horn's back and lifted her out of the vehicle. Torti also testified that she believed the car might catch fire or "blow up." In contrast, Van Horn testified that Torti pulled her from the vehicle by grabbing her arm and yanking her out "like a rag doll." Other witnesses testified that there was no smoke or any other indication that the car might explode. Emergency personnel arrived moments later. Plaintiff suffered various injuries, including injury to her vertebrae, and was permanently paralyzed.

Van Horn sued Torti, alleging that she had not been in need of assistance from Torti after the accident and that she sustained injury to her vertebrae only after Torti negligently dragged her out of the vehicle, causing permanent damage to her spinal cord and rendering her a paraplegic. Torti argued that she was immune from suit under Health and Safety Code section 1799.102, which provides "No person who in good faith, and not for compensation, renders emergency care at the scene of an emergency shall be liable for any civil damages resulting from any act or omission." The trial court ruled for Torti. The Court of Appeal disagreed, concluding that section 1799.102 applies only to the provision of medical care and that Torti had provided *non*-medical care.

The outcome of the case turns on the meaning of "emergency care" in section 1799.102. Van Horn argues that the Legislature intended to immunize only those persons who render emergency *medical* care at the scene of a *medical* emergency. Torti, on the other hand, argues that the phrase should be interpreted broadly to include both medical *and* non-medical care. The parties discuss the meaning of the statute's language, the way the same or similar words are defined in other statutes, and the legislative history leading to the enactment of the statute and subsequent amendments.