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## Himes v. County of Los Angeles

Roger J. Traynor

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[27 C.2d 891; 167 P.2d 189]

[L. A. No. 18936. In Bank. Mar. 19, 1946.]

EILEEN C. HIMES, Appellant, v. COUNTY OF LOS ANGELES et al., Respondents.

APPEAL from a judgment of the Superior Court of Los Angeles County. Alfred L. Bartlett, Judge. Reversed with directions.

Action to recover assessments paid under protest. Judgment for defendants on sustaining general demurrer to complaint, reversed with directions.

Murphey & Davis and Alex W. Davis for Appellant.

J. H. O'Connor, County Counsel, A. Curtis Smith, Deputy County Counsel, and Clyde Woodworth, City Attorney (South Gate), for Respondents.

THE COURT.—This case presents for determination the same questions which were decided in *Siwel Co. v. County of Los Angeles* (*ante*, p. 724 [167 P.2d 177]). It is conceded by counsel that the issues of fact and law in the two cases are identical, and that the *Siwel* decision will control the disposition of this appeal.

The judgment herein is reversed with directions to the trial court to overrule the general demurrer to appellant's complaint and to proceed in accordance with the views stated in *Siwel Co. v. County of Los Angeles*.

TRAYNOR, J.—I dissent for the reasons set forth in my dissenting opinion in *Siwel Co. v. County of Los Angeles*, *ante*, p. 735.

Gibson, C. J., concurred.