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Lee v. Department of Parks and Recreation

Court of Appeal, First District, Division 4, California - July 31, 2019 - Cal.Rptr.3d - 2019 WL 3492489 - 19 Cal. Daily Op. Serv. 7539 - 2019 Daily Journal D.A.R. 7235

Pedestrian brought action against Department of Parks and Recreation for premises liability after pedestrian injured herself on campground stairway.

The Superior Court granted summary judgment to Department. Pedestrian appealed.

The Court of Appeal held that:

- Stairway was a "trail" or an integral part of a trail, such that trail immunity applied to Department, but
- Pedestrian's action had reasonable cause, and thus award of defense costs was improper.

Campground stairway was a "trail" or an integral part of a trail, such that trail immunity applied under recreational use immunity statute, precluding pedestrian's premises liability action against Department of Parks and Recreation after pedestrian injured herself on stairway, even though stairway was made of stone steps; stairway was located in wooded region of state park, it was built into path on a hill, it was winding rather than straight, it was made from crude, natural materials, and sign at base of stairway indicated it provided access to hiking trails.

Pedestrian's premises liability action against state Department of Parks and Recreation, seeking damages for injury from pedestrian's fall on campground stairway, had reasonable cause, supporting finding that Department could not recover defense costs under Torts Claims Act, even though court ultimately found that Department had trail immunity from action; no case law addressed dispositive issue of whether stairway was a trail such that trail immunity would apply, and it was by no means certain that a court would determine stairway to be a trail or at least an integral part of one.

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