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## **IMMUNITY - CALIFORNIA**

### **Tansavatdi v. City of Rancho Palos Verdes**

**Supreme Court of California - April 27, 2023 - P.3d - 2023 WL 3107312**

Mother of bicyclist who was killed when his bicycle collided with a turning truck on city street brought action against city, alleging that city created a dangerous condition by removing a bicycle lane from the area of the accident, and had failed to warn of that dangerous condition, leading to accident and bicyclist's death.

The Superior Court entered summary judgment for city. Mother appealed, and the Court of Appeal affirmed in part, vacated in part, and remanded. City filed petition for review, which was granted.

The Supreme Court held that design immunity under the Government Claims Act does not categorically preclude failure to warn claims that involve a discretionarily approved element of a roadway; disapproving *Weinstein v. Department of Transportation*, 139 Cal.App.4th 52, and *Compton v. City of Santee*, 12 Cal.App.4th 591.

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