

Bond Case Briefs

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LIABILITY - WASHINGTON

Nguyen v. City of Seattle

Court of Appeals of Washington, Division 1 - January 27, 2014 - P.3d - 2014 WL 294298

Truck driver brought action against city seeking to recover for personal injuries and damages sustained when top corner of cargo box of truck struck portion of tree on planting strip adjacent to city street. The Superior Court entered judgment for city and driver appealed.

The Court of Appeals held that:

- City did not breach duties under city ordinances to keep trees along street from creating hazardous condition and to ensure that trees be kept trimmed to height of eight feet above sidewalk and 14 feet above roadway;
- Ordinances did not impose duty on city to inspect trees;
- City was not liable to driver under theory of premises liability; and
- Doctrine of res ipsa loquitur did not apply.

City did not breach duties under city ordinances to keep trees along street from creating hazardous condition and to ensure that trees be kept trimmed to height of eight feet above sidewalk and 14 feet above roadway, and thus, driver of truck that was 11 feet high could not recover for personal injuries arising out of upper corner of cargo box striking branch of tree where it connected to trunk, where there was no evidence that branch was hanging lower than 14 feet from street, right corner of truck hit tree where large branch connected to trunk, trunk did not extend over roadway, photograph of street and tree taken in year before accident did not show any damage to tree, and there were no complaints by other citizens or motorists regarding that tree.