

Bond Case Briefs

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Martinez v. County of Ventura

**Court of Appeal, Second District, Division 6, California - April 8, 2014 - Cal.Rptr.3d - 14
Cal. Daily Op. Serv. 3825**

Motorcyclist brought personal injury action against county, alleging that asphalt berm constituted a dangerous condition of public property. The Superior Court entered judgment on special jury verdict for county. Motorcyclist appealed.

The Court of Appeal held that county failed to satisfy the “approval” element of county’s affirmative defense of design immunity, in motorcyclist’s personal injury action alleging that asphalt berm and raised “top-hat” drain constituted a dangerous condition of public property, even if county repeatedly used the drain design for 25 years, absent evidence that the drains were designed before they were built in the field, and absent evidence that county exercised its discretion to approve the drain system before the drains were installed.