

# **Bond Case Briefs**

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## **LIABILITY - CALIFORNIA**

### **Cordova v. City of Los Angeles**

**Supreme Court of California - August 13, 2015 - P.3d - 2015 WL 4758177**

Family of individuals who died in fatal automobile accident brought wrongful death action against city based on an alleged dangerous condition of public property. The Superior Court granted summary judgment for city. Family appealed, and the Court of Appeal affirmed. The Supreme Court granted review, superseding the opinion of the Court of Appeal.

The Supreme Court of California held that family was not required to show that allegedly dangerous condition of tree in median caused third party conduct that precipitated accident in order to recover under the Government Claims Act based on a dangerous condition of public property.

A public entity is not, without more, liable under the Government Claims Act for the harmful conduct of third parties on its property containing a dangerous condition, but if a condition of public property creates a substantial risk of injury even when the property is used with due care, a public entity gains no immunity from liability simply because, in a particular case, the dangerous condition of its property combines with a third party's negligent conduct to inflict injury.

Parents of deceased victims of motor vehicle accident in which vehicle, which was speeding, collided with a second speeding vehicle, jumped curb, and struck tree in median, were not required to show in wrongful death action against city that allegedly dangerous condition of tree in median caused the third party conduct that precipitated the accident in order to recover under the Government Claims Act based on a dangerous condition of public property. Rather, they were only required to show dangerous condition of property, that is, a condition that created a substantial risk of injury to the public, proximately caused the fatal injuries the decedents suffered as a result of the collision with the other vehicle.