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TRANSPORTATION - CALIFORNIA

Menges v. Department of Transportation

Court of Appeal, Fourth District, Division 3, California - December 24, 2020 - Cal.Rptr.3d - 59 Cal.App.5th 13 - 2020 WL 7653957 - 20 Cal. Daily Op. Serv. 13,080

Passenger of car involved in motor vehicle accident sued Department of Transportation, alleging negligent construction of an interstate off-ramp, stemming from incident in which tractor-trailer truck exiting from off-ramp broadsided vehicle in which passenger was riding.

The Superior Court granted Department summary judgment on the basis of design immunity. Passenger appealed. Subsequently, the Superior Court awarded Department costs. Passenger appealed, and appeals were consolidated.

The Court of Appeal held that:

- Evidence supported determination that design of off-ramp was reasonable, as required for Department to prevail on design immunity defense;
- Alleged lack of conformance between plans for off-ramp and actual construction did not preclude the application of design immunity;
- Evidence demonstrated that construction of off-ramp substantially complied with design plans, as required to support design immunity defense;
- Trial court did not abuse its discretion in denying passenger's motion to continue motion for summary judgment;
- Department's offer to compromise was statutorily compliant and reasonable, as required to support award of expert witness fees; and
- Trial court did not abuse its discretion in awarding Department expert witness fees in amount of \$24,516.05 for work performed related to passenger's medical records and life care plan.