Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - CALIFORNIA

Martinez v. City of Beverly Hills

Court of Appeal, Second District, Division 2, California - November 10, 2021 - Cal.Rptr.3d - 2021 WL 5231409 - 21 Cal. Daily Op. Serv. 11,427

Pedestrian brought action against city alleging premises liability and negligence for a trip-and-fall in alley behind law office where she worked.

City moved for summary judgment, and the Superior Court and entered judgment,. Pedestrian appealed.

The Court of Appeal held that:

- City lacked actual notice of divot on which pedestrian tripped, and
- City lacked constructive notice of divot.

City lacked actual notice of divot on which pedestrian tripped, for purposes of determining city's liability for dangerous condition in pedestrian's action against city alleging premises liability and negligence for a trip-and-fall in alley behind law office where she worked, where Court of Appeal was permitted but not required to infer that city had actual notice because city did not produce a declaration from every possible city employee who might have been in alley in past denying having seen divot, and such an inference was not reasonable, given that city had not received complaints about alley's divot in six years preceding pedestrian's accident and had not been presented with any claims or lawsuits regarding divot in preceding 15 years.

City lacked constructive notice of divot on which pedestrian tripped, which was less than two inches deep, for purposes of determining city's liability for dangerous condition in pedestrian's action against city alleging premises liability and negligence for a trip-and-fall in alley behind law office where she worked, because cost of keeping alleys as defect-free as sidewalks for foot traffic had greater cost and less benefit, given that alleys degraded faster than sidewalks due to heavy vehicle traffic while being used less than sidewalks for foot traffic, city could reasonably elect to apply less rigorous scrutiny when inspecting alleys for defects as compared with sidewalks, meaning that universe of "obvious defects" for alleys was smaller than for sidewalks.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com