

# **Bond Case Briefs**

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## **IMMUNITY - CALIFORNIA**

### **Stack v. City of Lemoore**

**Court of Appeal, Fifth District, California - May 3, 2023 - Cal.Rptr.3d - 2023 WL 3220918**

After breaking his wrist when he tripped and fell on defect caused by uneven sidewalk, jogger sued city for general negligence and under the Government Claims Act for maintaining a dangerous condition of public property.

Following judgment of nonsuit on negligence cause of action, and denial of city's motions for a nonsuit and for a directed verdict on the cause of action for maintaining a dangerous condition, the Superior Court entered judgment on jury verdict in favor of jogger, awarding \$90,000 in damages. City appealed.

The Court of Appeal held that:

- Height differential between slabs of sidewalk weighed heavily against finding that defect was trivial as a matter of law;
- Factor of the nature of the defective condition weighed against ruling that defect was trivial as a matter of law;
- Factor of the quality of the defect weighed against ruling that defect was trivial as a matter of law;
- Factor of obstruction of the defect weighed against ruling that defect was trivial as a matter of law; and
- Factors of weather and lighting conditions weighed in favor of ruling that defect was trivial as a matter of law.