

# **Bond Case Briefs**

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## **NEGLIGENCE - CALIFORNIA**

### **Whitehead v. City of Oakland**

**Supreme Court of California - May 1, 2025 - P.3d - 2025 WL 1261981**

Bicyclist brought personal injury action against city after he struck pothole while cycling as part of training exercise for charity fundraiser.

The Superior Court granted city's motion for summary judgment based on release signed by bicyclist, and bicyclist appealed. The Court of Appeal affirmed, and bicyclist appealed.

The Supreme Court held that bicyclist's personal injury claim against city, alleging that city violated its statutory duty to maintain its streets in reasonably safe condition, was not barred by anticipatory release signed by bicyclist.

Bicyclist's personal injury claim against city, alleging that city violated its statutory duty to maintain its streets in reasonably safe condition for travel by the public, was not barred by anticipatory release signed by bicyclist, who was injured when he struck pothole while cycling as part of training exercise for charity fundraiser, pursuant to statute barring contracts purporting to exempt anyone, public or private, from responsibility for a violation of law; bicyclist alleged that pothole created dangerous condition in roadway, that city negligently breached its duty by failing to warn of, prevent, or correct road's dangerous condition or designate bicycle lane, and that he suffered injuries as result of city's violation of its statutory duty.