

Bond Case Briefs

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LIABILITY - CALIFORNIA

Yan v. City of Diamond Bar

Court of Appeal, Second District, Division 5, California - March 11, 2026 - Cal.Rptr.3d - 2026 WL 685371

Pedestrian who was injured when branch from city-owned tree fell on him while he was walking on sidewalk brought action against city for allegedly maintaining public property in dangerous condition.

Following jury trial, the Superior Court awarded pedestrian \$250,000 for past noneconomic loss and \$500,000 for future noneconomic loss. City appealed.

The Court of Appeal held that evidence of prior branch failures of trees in same vicinity as tree that injured pedestrian was admissible.

Evidence of prior branch failures of trees in same vicinity was similar enough to incident involving pedestrian to attract city's attention to dangerous situation at issue and thereby impart notice of some particular condition requiring correction, and thus was admissible in pedestrian's action against city arising from injuries sustained when branch from city-owned tree fell on him while he was walking on sidewalk; trees involved in all such incidents were same species of pear trees, there was evidence that species had inherent, latent structural weakness, and trees involved in all incidents were in same vicinity, meaning they were on same grid-based pruning and maintenance schedule and experienced same environmental factors that affected tree health.