

Meddock v. County of Yolo, 2013 Cal. App. LEXIS 791

County is immune from liability for injury caused by a falling tree when the tree was growing naturally on unimproved public property.

FACTS AND PROCEDURAL POSTURE

On March 21, 2009 a tree fell on Dwight Meddock while he was in the parking lot of a boat ramp on the Sacramento River. Meddock alleged that many of the trees on the premises were diseased or had parasites, and that this made them a dangerous condition on public property. Meddock further alleged that the County failed to maintain the trees properly, and failed to warn users of the lot that the trees were dangerous. (See reverse for aerial photo of the property.)

In its motion for summary judgment, the County argued that it was immune under the Government Claims Act as the trees were a natural condition on unimproved property. Meddock opposed the motion, noting that the trees were leaning over a paved parking lot (meaning that the property was improved. The trial court granted summary judgment for the County, finding that immunity applied because the trees were on unimproved property and observing that to impose liability might cause the County to close the boat ramp. Meddock appealed.

DISCUSSION

The appeal focused on the issue of whether the area was “improved” or “unimproved,” and whether the tree that caused the injury was on improved or unimproved property.¹ Gov. Code § 831.2 provides that “Neither a public entity nor a public employee is liable for an injury caused by a natural condition of any unimproved public property, including but not limited to any natural condition of any lake, stream, bay, river or beach.”

The court agreed with Meddock that because the County paved the parking lot, built a boat ramp, and made other related improvements, the County had assumed liability for any dangerous conditions on the improved property. However, the tree that fell was on unimproved property, so the County was immune under section 831.2. The court reached this result by focusing on the language of 831.2, specifically the phrase “caused by.” Because the tree that actually caused the injury was on unimproved property, the County was immune, even though the injury occurred on improved property. The decisive factor is the *cause* of the injury, rather than the *location*.

The court also disagreed with Meddock’s contention that the County was liable for failure to warn of a dangerous condition. The court explained that permitting liability for failure to warn would go against the policy considerations underlying section 831.2, thus the immunity applies whether or not the County knew of the dangerous condition.

Held: Because Meddock’s injuries were caused by decaying natural trees located on unimproved property, the County is immune from liability under Gov Code § 831.2.

¹ The court noted two additional issues that may have been relevant, but were not briefed by the plaintiff on appeal: whether the improvements on the land contributed to the injury, or whether the County had poorly or negligently trimmed the trees and had thus created or exacerbated the dangerous condition.

