

Osaze v. Gee (2026)
First Appellate District Div. Two

An unwitnessed fatal fall does not make expert causation testimony speculative when biomechanical evidence provides a reasoned basis for identifying probable cause.

FACTUAL/PROCEDURAL BACKGROUND

From 2018 to 2024, Hilda Aparicio-Gee, a veterinary technician, owned and operated Skyline Veterinary Hospital in a building she leased from veterinarian Mark Restani, the owner of the building who practiced there. On August 4, 2020, 69 year-old Anya Valencia brought her daughter's dog, Boogie, to Skyline for a bath. When Boogie escaped from the grooming room, Valencia went after him and fell in the adjacent hallway where she landed headfirst on the floor and was found unresponsive. While still in the grooming room, Gee couldn't see past the entryway from where she stood and couldn't see Valencia once she was past the doorway, or when she fell. Emergency responders took Valencia to the hospital, and she passed away three days later.

Plaintiffs filed a complaint against defendants asserting negligence and premises liability against Skyline and Restani. Defendants eventually filed a motion for summary judgment, asserting plaintiffs couldn't establish causation. Rather than attempting to prove a specific cause for Valencia's fall, Defendants argued that the fall was unwitnessed and couldn't have been caused by a trip on the 1.25 inch raised threshold between the grooming room and adjacent hallway, and that no other condition that could've caused her fall was identified.

Plaintiffs offered expert declarations in opposition to summary judgment. One was from a veterinarian who opined the failure to secure the dog in the grooming room either by closing the door or placing restraints on the dog was negligent and a substantial factor in the accident. Biomechanical engineers, one of whom inspected the property and measured an unmarked rise in the flooring approximately 1.25 inches at the threshold between the grooming room and the hallway, evaluated the cause of the fall, considering the mechanics of tripping and falling and the nature of Valencia's injuries, as well as the absence of other conditions that could've caused the fall. They concluded the most likely cause of Valencia's fall was that she tripped at the threshold. Without discussing the experts' reasoning or analysis, the trial court excluded the experts' key opinions, labeling it as mere "conjecture" and "speculation." Having excluded plaintiffs' evidence of causation, the court granted summary judgment to defendants.

HOLDING/DISCUSSION

The Court of Appeals reversed, finding the trial court erred in excluding the opinions of plaintiffs' expert witnesses by failing to undertake the analysis of the high court in *Sargon Enterprises, Inc. v. University of Southern California* (2012) 55 Cal.4th 747, 771 (*Sargon*). In *Sargon*, the court held that under Evidence Code sections 801 and 802, "the trial court acts as a gatekeeper to exclude expert opinion testimony that is (1) based on matter of a type on which an expert may not reasonably rely, (2) based on reasons unsupported by the material on which the expert relies, or (3) speculative." (*Sargon, supra*, 55 Cal.4th at p. 771-772.) But the

court was clear that the gatekeeping role is strictly bounded. “The trial court’s preliminary determination whether the expert opinion is founded on sound logic is not a decision on its persuasiveness. The court must not weigh an opinion’s probative value or substitute its own opinion for the expert’s opinion. Rather the court must simply determine whether the matter relied on can provide a reasonable basis for the opinion or whether that opinion is based on a leap of logic or conjecture.” (*Id.* at p. 772.)

Applying these principles, the court held that the expert declarations and other evidence raised triable issues of material fact as to whether the defendants’ failure to secure the dog or eliminate or mitigate the threshold’s elevation change was a substantial factor in causing Valencia’s fall, injuries, and death.

The trial court failed to draw inferences of causation in plaintiffs’ favor because no one witnessed the fall. The court further reasoned that the trial court failed to apply the proper summary judgment standard. Under that standard, the evidence and reasonable inferences must be construed in favor of the nonmoving party. Although Gee did not witness Valencia trip, her testimony did not conclusively establish that the threshold played no role in the fall. A jury could weigh her testimony against the expert evidence, but the court could not resolve that factual dispute against the plaintiffs on summary judgment.

Relying in part on *Kaney v. Custance* (2022) 74 Cal.App.5th 201, the court explained that a plaintiff may establish causation through reasonable and probable inferences even when no one witnessed the fall or the injured person cannot recall what happened. Ultimately, the court determined that triable issues of material fact existed regarding causation. It reversed the judgment and remanded with instructions to deny the defendants’ motion for summary judgment, leaving the disputed factual issues for resolution by a jury.