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## STUTMAN LAW EXTENDS INVERSE CONDEMNATION LIABILITY IN CALIFORNIA

In a landmark decision, the California Court of Appeal has ruled that a tree that is part of an urban forestry program can constitute a public improvement as a basis for an inverse condemnation claim. In this seminal case brought by Stutman Law, a street tree owned, maintained and controlled by the city of Pasadena fell on a house belonging to Plaintiff's insured during a windstorm.

Stutman Law brought suit on behalf of Plaintiff, Mercury Casualty Co., alleging inverse condemnation and other causes of action. Pasadena sought summary adjudication, asserting that no case had ever applied inverse condemnation to a tree, and a public improvement must be of the "bricks and mortar" variety. The trial court disagreed and Pasadena sought a writ of mandate in the Court of Appeal. In a decision handed down last week, the Court denied the writ holding that the test to be applied is whether the construction of the public improvement is a deliberate act by the public entity in furtherance of a public purpose. Here, there was evidence sufficient to demonstrate a triable issue of fact that the City took deliberate action to manage its urban forestry program, which served a public purpose in improving public roads.

This is the first case to clearly state that an urban forestry program can constitute a public improvement for purposes of inverse condemnation liability. Accordingly, the door to this powerful cause of action, which carries with it entitlement to expert and attorney fees, is now open whenever a street tree causes property damage. The case was handled by Timothy E. Cary of Stutman Law's Los Angeles Regional Office.

To see a copy of this opinion, [click here](#).

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