

Published Court of Appeal Decision Holds That Sidewalk Slab Rises of up to One and One-Half Inches Are Generally Trivial Defects as a Matter of Law

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The Court of Appeal has issued an Order certifying for publication its decision in *Huckey v. City of Temecula*, 2019 WL 3368680. This important decision will make it easier for public entities to obtain summary judgment in sidewalk trip and fall cases.

The City of Temecula prevailed in a sidewalk trip and fall lawsuit based on the “trivial defect” defense. In this landmark decision, the Court of Appeal found that sidewalk slab rises of up to one and one-half inches are generally trivial defects as a matter of law, and the City was not liable for the plaintiff’s injuries. RWG lawyers **Bob Cecon** and **Stephanie Cao** represented the City.

Many courts, lawyers and risk-management professionals previously believed that the trivial defect defense only applied if a sidewalk rise is three-quarters of an inch or less. However, this published decision indicates that a court can find that rises of nearly double that height are trivial defects.

The City requested that the Court of Appeal publish the decision, joined by the League of California Cities and the Association of Southern California Defense Counsel. The Court granted the request, and the *Huckey* decision may now be cited as precedent.

For more information about public agency liability issues, please contact **Bob Cecon**.

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