

# VERDICTS & SETTLEMENTS

FRIDAY, OCTOBER 25, 2024



**Megan Burns**

## VERDICT: \$8,165,042

### PERSONAL INJURY

#### DANGEROUS CONDITION OF PUBLIC PROPERTY Negligent Failure to Discharge Mandatory Duty

VERDICT: \$8,165,042

CASE/NUMBER: Gena Wilson and Christina Sosa v. City of Martinez, and Does 1 to 100 / MSC20-01262

COURT/DATE: Contra Costa Superior / Sep. 13, 2024

JUDGE: Gina Dashman

**ATTORNEYS:**

**Plaintiff** – Megan T. Burns (Mirador Law APC); Adam M. Carlson (Casper, Meadows, Schwartz & Cook)

Defendant – Martin J. Ambacher, Christopher B. Allard (McNamara, Ambacher, Wheeler, Hirsig & Gray LLP)

**FACTS:**

On Oct. 27, 2019, a large tree fell in downtown Martinez during a farmer's market, injuring many people. Defendant City of Martinez owned the tree that fell. The City of Martinez was responsible for burying the tree too deep in the ground and for planting the tree inside of a wooden nursery box. There was also other conduct by the City that led to the tree being comprised, including damaging it during a

downtown beautification project. The City had 19 years to notice and remediate the problem but failed to do so.

At trial, the City of Martinez stipulated that it was liable for a dangerous condition of public property pursuant to California Government Code 835(a) and 835(b).

**PLAINTIFF'S CONTENTIONS:**

Plaintiffs contended that they were seriously injured when the tree fell and will continue to suffer from their injuries for the rest of their lives.

**DEFENDANT'S CONTENTIONS:**

Defendant City of Martinez admitted that it was liable for the incident but contested the full extent of the injuries and damages.

**INJURIES:**

Plaintiff Sosa witnessed her 10-month-old son's stroller be crushed by the tree. Although the child only suffered minor physical injuries, Sosa was subsequently diagnosed with chronic post-traumatic stress disorder. She also suffered a fracture of the left medial talar bone in her ankle that required surgery, including an open reduction internal fixation (ORIF) of the left medial talar body and a left medial malleolar osteotomy and fixation. The ankle injury caused

Sosa to suffer past and future wage loss as a pediatric occupational therapist in private practice.

Plaintiff Wilson was holding her two-year-old in her arms when the tree struck her in the back, causing fractures to the cervical C7 lamina, cervical C6 spinous process, and thoracic compression fractures with loss of height at T6, T8 and T11. Wilson was a stay-at-home mom at the time of the incident but had intended to return to work as a preschool teacher. One of Wilson's treating physiatrists testified that she would suffer from neck and back pain for the rest of her life and that the goal of future treatment would be to prevent things from getting worse.

**SETTLEMENT DISCUSSIONS:**

Plaintiffs issued CCP 998 offers to the defense in the amounts of \$962,500 (Sosa) and \$1,575,000 (Wilson) prior to trial.

Defendant issued CCP 998 offers to Plaintiff Wilson in the amount of \$652,000 and Plaintiff Sosa in the amount of \$701,000.

**RESULT:**

Plaintiff Sosa \$4,147,521;  
Plaintiff Wilson \$4,017,521

FILING DATE: Jul. 10, 2020