

**RW & G e-ALERT****LITIGATION****October 2007****County of Ventura Prevails in Landslide Litigation**

On September 26, 2007, the Ventura County Superior Court granted the motion for summary adjudication of the County of Ventura in *Alvis v. La Conchita Ranch*, Case No. CIV238700 (and 22 related and consolidated actions). The lawsuit arose out of a catastrophic landslide that occurred on January 10, 2005, which resulted in personal injury and property damage, including 10 deaths.

Thirty-seven plaintiffs sued the County of Ventura ("County") seeking tens of millions of dollars in damages. Plaintiffs alleged that the landslide was partially caused by a retaining wall which had been built by the County at the base of the hillside adjacent to the landslide area. The wall was built to remove debris from the roadway from a prior landslide in La Conchita in 1995.

Richards, Watson & Gershon represented the County. The County moved for summary adjudication based on the design defect immunity established by Government Code section 830.6 to challenge plaintiffs' claims for wrongful death and personal injury, including dangerous condition of public property and nuisance. The County submitted evidence showing that the County Board of Supervisors approved the design of the wall, and that substantial evidence established that the approval was reasonable.

The County submitted declarations from its employees offering opinions concerning the design of the wall, and the approval process. Plaintiffs argued that the County should not have approved the design of the wall, and they submitted the declaration of an expert geotechnical engineer questioning its design.

The Court agreed with the County, and ruled that the declarations offered by the County were substantial evidence, and that the contrary declaration offered by plaintiffs' expert was vague. The Court dismissed all of the wrongful death and personal injury claims because the Court found that the County established as a matter of law that it was entitled to statutory design immunity.

**FOR ADVICE FROM RW&G CONCERNING GOVERNMENTAL TORT LIABILITY ISSUES, PLEASE CONTACT ROBERT C. CECCON AT [RCECCON@RWGLAW.COM](mailto:RCECCON@RWGLAW.COM) OR ANY OF THE LAWYERS IN THE FIRM'S LITIGATION DEPARTMENT.**

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