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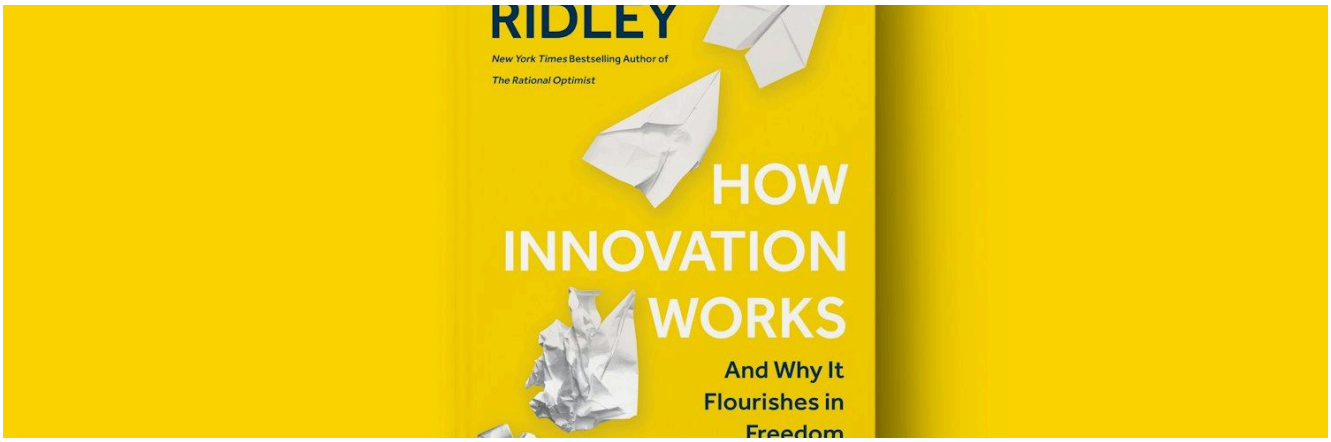
Substantive Sub-Areas

Grand Park Law Group · 2026



A. **Motor Vehicle Collisions**

Plain-Language Summary: When a careless driver hurts you, California law lets you recover from that driver and, in many situations, from the owner of the vehicle as well. Insurance companies pay most claims, and the rules are relatively well-settled.

Motor vehicle litigation is the volumetric core of California personal injury practice. The substantive duty owed by a driver is the ordinary-care duty of § 1714(a), informed by the Vehicle Code's rules of the road, which can supply the standard of care under a negligence-per-se theory codified at Evidence Code § 669. Violation of a Vehicle Code provision designed to prevent the type of harm suffered, by a member of the class the statute was intended to protect, creates a presumption of negligence that the defendant must rebut.

Two statutory features warrant emphasis. First, Vehicle Code § 17150 imposes derivative liability on the owner of a vehicle for the negligence of any person operating the vehicle "with the permission, express or implied, of the owner." Owner liability under § 17150 is capped at $15,000 per person and $30,000 per occurrence for personal injury, and $5,000 for property damage, under Veh. Code § 17151. Second, California's Financial Responsibility Law mandates minimum liability coverage and, for accidents on or after January 1, 2025, raised the minimums to $30,000/$60,000 bodily injury and $15,000 property damage under amendments to Veh. Code § 16056.

Common defenses include comparative fault (most often, a contention that the plaintiff was speeding, distracted, or failed to keep a proper lookout); sudden emergency; the seatbelt defense, which permits a damages reduction (not a liability bar) for non-use of available restraints; and

challenges to medical causation, particularly in low-property-damage soft-tissue cases. Evidentiary issues frequently center on event data recorder (EDR) downloads, telematics, dashcam footage, and the admissibility of biomechanical expert testimony.

B. **Premises Liability**

Plain-Language Summary: Property owners and businesses have to keep their premises reasonably safe for the people they invite onto them. If a hazard hurts you, you can recover — but you have to show the owner knew or should have known about the danger.

Premises liability claims rest on the duty of an owner or occupier to use ordinary care to maintain the property in a reasonably safe condition. *Rowland v. Christian* (1968) 69 Cal.2d 108 abolished the common-law status distinctions and unified the duty as one of reasonable care under all the circumstances, with the *Rowland* factors guiding any proposed exception.

The leading modern authority on the constructive-notice element in slip-and-fall cases is *Ortega v. Kmart Corp.* (2001) 26 Cal.4th 1200. *Ortega* held that a plaintiff need not produce direct evidence of how long a dangerous condition existed; circumstantial evidence — such as evidence that the defendant had no inspection program, or that the inspection interval was unreasonably long — can support an inference that the condition existed long enough for a reasonable owner to have discovered and remedied it. *Ortega* rejected the defense argument that the absence of "smoking gun" temporal evidence required directed verdict for the defendant.

Premises claims against public entities are governed by Gov. Code § 835, which requires proof that the property was in a dangerous condition at the time of the injury, the condition created a reasonably foreseeable risk of the kind of injury that occurred, and either a public employee created the condition within the scope of employment or the entity had actual or constructive notice and a sufficient opportunity to take protective measures. The statutory immunities of Gov. Code §§ 830.2, 830.4, 830.6, 831.2, and 831.4 frequently dispose of claims involving trivial defects, signs and signals, design immunity, natural conditions of unimproved property, and unpaved roads.

Common defenses include the trivial-defect doctrine, primary assumption of risk in recreational settings, open-and-obvious conditions (which negate duty only when the condition is so apparent and the harm so avoidable that no reasonable person would suffer the injury), and lack of actual or constructive notice.

C. **Product Liability (Strict & Negligent)**

Plain-Language Summary: Manufacturers, distributors, and retailers can be held responsible when a defective product injures someone, even if no one was technically careless. California pioneered this rule and remains one of the most plaintiff-favorable jurisdictions for product cases.

California is the cradle of modern strict products liability. *Greenman v. Yuba Power Products, Inc.* (1963) 59 Cal.2d 57 announced the rule that "[a] manufacturer is strictly liable in tort when an article he places on the market, knowing that it is to be used without inspection for defects, proves to have a defect that causes injury to a human being." *Greenman* freed the doctrine from

the warranty-and-privity baggage that had constrained the Uniform Commercial Code's implied-warranty regime and grounded products liability in the policy of allocating the cost of injuries caused by defective products to the entities best positioned to bear and spread that cost.

Barker v. Lull Engineering Co. (1978) 20 Cal.3d 413 established the two-pronged test for design defect that California courts continue to apply. Under *Barker*, a product is defectively designed if either (1) it failed to perform as safely as an ordinary consumer would expect when used in an intended or reasonably foreseeable manner (the "consumer-expectations" test), or (2) the risks inherent in the design outweigh the benefits, considering factors such as the gravity and likelihood of danger, the feasibility of a safer alternative design, and the financial cost and adverse consequences of an alternative (the "risk-benefit" test). Once the plaintiff makes a prima facie showing under the risk-benefit prong, *Barker* shifts the burden of proof to the defendant to establish that the benefits of the challenged design outweigh its risks.

Soule v. General Motors Corp. (1994) 8 Cal.4th 548 limited the reach of the consumer-expectations prong. *Soule* held that the consumer-expectations test is reserved for cases in which "the everyday experience of the product's users permits a conclusion that the product's design violated minimum safety assumptions, and is thus defective regardless of expert opinion about the merits of the design." Where the design issue requires technical or scientific evidence beyond the experience of ordinary consumers — as in complex automotive crashworthiness cases — the risk-benefit test is the appropriate vehicle, and the consumer-expectations instruction should not be given.

Product liability defenses include the state-of-the-art defense (limited in California, particularly in design cases), product alteration or misuse, the sophisticated-user doctrine in failure-to-warn cases, and the component-parts doctrine. The federal preemption defense — particularly under the Medical Device Amendments to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360k — frequently disposes of claims involving FDA-approved Class III medical devices.

D. Catastrophic Injuries & Wrongful Death

Plain-Language Summary: When an injury is severe — paralysis, traumatic brain injury, amputation — or when a person dies because of someone's wrongdoing, the law allows particularly substantial recoveries, including future medical care over a lifetime, lost earnings, and compensation for the family.

Catastrophic injury cases — spinal cord injuries, traumatic brain injuries, severe burns, amputations — are doctrinally indistinguishable from ordinary negligence cases but raise distinctive damages, life-care-planning, and structured-settlement issues. The plaintiff's economic damages are typically dominated by future medical and attendant-care costs, modeled by a life-care planner and reduced to present value by an economist. Non-economic damages reflect the long arc of pain, disfigurement, and loss of enjoyment of life.

Wrongful death and survival actions are creatures of statute. The wrongful death cause of action, codified at Code of Civil Procedure § 377.60, belongs to the decedent's surviving spouse, domestic partner, children, and (if there are no surviving issue) the persons who would be entitled to the

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property of the decedent by intestate succession. Wrongful death damages compensate the heirs for the value of support, services, society, comfort, and (where economically demonstrable) future financial contributions the decedent would have provided.

The survival action, codified at Code of Civil Procedure § 377.34, permits the decedent's personal representative or successor in interest to pursue claims that the decedent could have brought had the decedent survived. Historically, § 377.34 barred recovery of pain-and-suffering damages on behalf of the decedent. Effective January 1, 2022 (Stats. 2021, ch. 448; SB 447), the Legislature amended § 377.34 to permit recovery of the decedent's pre-death pain, suffering, and disfigurement in two limited circumstances: (i) actions in which a trial preference under § 36 was granted before January 1, 2022, and (ii) actions filed on or after January 1, 2022, and before January 1, 2026. (CCP § 377.34(b).) Because the filing window closed on January 1, 2026, practitioners must confirm the current state of § 377.34 — and any successor legislation extending or making the window permanent — before relying on the exception in any action filed after that date.

Practice	Personal Injury
Topics	Motor Vehicle Collisions · Premises Liability · Products Liability · Wrongful Death
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