

FOR IMMEDIATE RELEASE

MAY 1, 2025

California Supreme Court Says Public Entities Cannot Use Releases to Escape Liability for Dangerous Roadways

*A unanimous ruling in **Whitehead v. City of Oakland** holds that a private liability waiver cannot shield a public entity from its duty to maintain safe roads.*

San Francisco, CA. The California Supreme Court has unanimously ruled in favor of a brain-injured cyclist represented by Anthony Label and Steven Kronenberg of The Veen Firm, affirming that the City of Oakland can be held liable for a serious bicycle accident caused by a pothole despite the rider having signed a liability waiver. The decision in *Whitehead v. City of Oakland* overturns two lower-court rulings and delivers a landmark win for public safety and infrastructure accountability across the state.

Ty Whitehead was severely injured in March 2017 when his bike hit a large pothole on Skyline Boulevard in Oakland during a training ride for the AIDS/LifeCycle charity event. He was thrown over the handlebars and suffered a traumatic brain injury, remaining in a coma for about two weeks. The trial court, and later the Court of Appeal, initially dismissed his case, pointing to a liability release Whitehead had signed before the ride, even though Oakland was not a party to that agreement.

In its ruling, the California Supreme Court rejected the city's attempt to use the waiver as a shield against liability, determining that a private release cannot absolve a public entity from its duty to maintain safe public roadways.

"We applaud the Supreme Court for reaffirming that public safety cannot be signed away. This ruling sends a clear message that cities must take responsibility for maintaining safe roads. It is a win not just for our client, but for everyone who travels on California's streets."

Anthony Label, Trial Team Leader and lead counsel for Whitehead

The outcome has broad implications for communities statewide, setting a strong precedent that cities and counties cannot contract away their responsibility for safe infrastructure. Bicycle and pedestrian advocates, several of whom filed supporting amicus briefs, had warned that allowing cities to evade liability would endanger the public.

"With the Supreme Court's decision, people across California can be assured that local governments will be held accountable for keeping roadways and other public facilities safe."

Steven Kronenberg, Partner, The Veen Firm

The case is *Whitehead v. City of Oakland*, California Supreme Court Case No. S284303.

ABOUT THE VEEN FIRM LLP

Founded in 1975, The Veen Firm LLP is a San Francisco trial firm representing plaintiffs in catastrophic injury, wrongful death, and complex civil cases throughout California. The firm has recovered more than one billion dollars on behalf of injury victims. Past results do not guarantee, warrant, or predict future outcomes, and each case is evaluated on its own facts. Additional information is available at www.veenfirm.com.

Media Contact

The Veen Firm LLP. Press inquiries: **(510) 560-6731**. Email: info@veenfirm.com

20 Haight Street, San Francisco, California 94102. Main: (415) 673-4800

#

The Veen Firm LLP, 20 Haight Street, San Francisco, California 94102. veenfirm.com. Prior results do not guarantee a similar outcome.