

# Verdict reached in man's lawsuit filed against city of San Diego over fallen palm tree

Mike Burke left paraplegic after tree fell on him



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Posted: 12/17/2012  
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SAN DIEGO - The city of San Diego was at fault for the condition of a nearly 60-foot palm tree that fell on a Mission Hills man nearly three years ago, crushing his legs and rendering him a paraplegic, a jury decided Monday.

After nearly three days of deliberations, the panel found that the 2,600-pound Queen Palm was in a "dangerous condition" when it fell on attorney Michael Burke on Jan. 21, 2010, following a four-day winter storm.

The jury also found that the city had notice of the tree's condition with enough time to do something about it.

A second phase of the trial immediately got under way to determine the amount of damages that should be awarded to Burke and his wife, Edith. That portion of the trial is expected to last through the week.

Burke alleged the city of San Diego was responsible for the accident because it drastically cut back on yearly inspections and maintenance of trees.

City attorneys told the jury that the tree toppling was an "act of God" that could not have been foreseen. They said the city never received complaints about the condition of the tree before it fell.

The life of Burke, an attorney, changed drastically when the tree came crashing down, according to Burke's attorney, Browne Greene. Burke now takes buses and trolleys to get to work, and he has met his share of challenges trying to care for his wife and 11-year-old autistic son.

"This boy depended on his father for support ... emotional and physical," said Greene.

The palm trees that fell near or on Burke were just two of more than 350 trees that toppled over during the winter storms in January 2010.

According to Burke's attorneys, he has undergone 14 surgeries and "there is a high probability that he will have to undergo bilateral, below the knee amputations due to the severity of his injuries."

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