



**FOR IMMEDIATE RELEASE: February 2, 2023**

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## **Lawsuit Over Ocean Beach Palm Trees Dismissed**

*Residents drop meritless lawsuit; City to seek reimbursement of costs*

San Diego City Attorney Mara W. Elliott announced today that an Ocean Beach couple has dismissed their lawsuit against the City over the removal of palm trees that posed potential flight safety hazards to airplanes using San Diego International Airport.

The dispute began in 2021 when the Federal Aviation Administration and San Diego Airport Authority ordered the City to remove several tall palm trees because their height exceeded the safety limit, as required by federal law.

The City notified Ocean Beach residents of the scheduled removal, and John and Tracy Van de Walker sued the City in federal court to prevent the trees from being cut down, claiming violations of the California Environmental Quality Act. They then dismissed that suit and filed a new action in state court alleging the City cannot cut down the trees under the San Diego Municipal Code and Council Policy.

The palm trees – which were owned by the City and planted in the public right-of-way -- were eventually removed.

After a hearing with the judge last week, the plaintiffs chose to dismiss their case without briefing the matter on its merits, as it was evident they had no valid basis for their claims. Plaintiffs filed a Request for Dismissal in San Diego Superior Court on Friday, January 27.

**“Meritless lawsuits like this one harm taxpayers by bogging down our overcrowded courts and forcing City staff and attorneys to respond to a frivolous claim,”** City Attorney Mara W. Elliott said. **“We will petition the court to order the Van de Walkers to reimburse the City for the costs it incurred defending itself.”**

The City was represented in this case by Deputy City Attorney Jana Mickova Will, under the supervision of Assistant City Attorney M. Travis Phelps.

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