

Mill Valley told to pay in mudslide death

Bob Egelko, San Francisco Chronicle, 9-29-11

Mill Valley must pay \$4 million to the wife and daughter of a man who was killed by a mudslide at their home in 2006, the state Supreme Court decided today.

The justices unanimously denied review of lower-court rulings that found the city responsible for dangerous conditions that led to Walter Guthrie's death.

Guthrie was trying to clear an outdoor drainpipe in a rainstorm in April 2006 when he was buried in the collapse of a hillside above his home. His wife, Lisa, heard the noise and looked outside but saw only the mud that covered her husband's body.

The slide damaged the home and another house up the hill. A Marin County Superior Court jury awarded nearly \$600,000 in damages to the owners of that home, Douglas Wilson and Peri Ann Wood. The jury awarded nearly \$3.7 million to Guthrie's widow and his daughter, Anne, for property damage and emotional distress.

Legal costs bring the Guthries' total award to \$4 million, said attorney Alan Mayer. Wednesday's court order left both families' damages intact.

The lawsuit said Mill Valley officials knew the hill was slipping but failed to take protective measures and postponed the construction of a retaining wall until after the rainy season. A state appeals court ruled 3-0 in July that the evidence supported the jury's conclusion that the city was at fault.

In seeking state Supreme Court review, lawyers for Mill Valley argued mainly that damages for emotional distress were improper because Lisa Guthrie did not see her husband's death, a prerequisite for damages in some past cases. The court denied review without comment.

The case is Guthrie vs. Mill Valley, S195890.