

MEDIATE THIS !

TREE VS. TREE: THE HOSTILE ELM AND THE GENTLE FIGUS

BY STEVEN P. DINKIN

Dear Mediator:

My neighbor's Chinese elm tree has grown over her property line onto ours. The branches, which look dead, are tangled into our healthy ficus tree. I have offered to trim the branches on her tree that are in our yard and take them to a city greenery recycling area if she will pay for the rental truck to transport them. She refuses to pay and she doesn't want me to trim any branches because they're on "her tree." How can we work this out?

Out on a Limb in Kensington

Dear Out on a Limb:

"Tangled" is an apt description of neighbor disputes over invasive tree branches. California law allows you to lop off branches from a neighbor's tree that grow across the property line. If falling branches or debris cause harm to your property, the neighbor is liable for the costs.

However — and there are a lot of "however's" in tree

law — your neighbor is not responsible for clearing normal tree debris that falls onto your property. You can only trim encroaching branches up to your property line, and your neighbor doesn't have to pay for labor or removal.

And if your pruning goes too far, or if you harm the tree in any way, you could be liable for damages. California courts routinely favor the health of live trees over human property rights.

This makes your case unique, because it appears that your neighbor's aggressive elm is literally choking your docile ficus. So you are not just a cranky homeowner looking to pick a turf fight. You are a nature lover who wants to protect a cherished tree from a slow death.

People can and do mount legal battles over tree skirmishes. That game plan always ends in a war of attrition with a next-door neighbor. A wiser approach would be for the two of you to map out what mediators call the "zone of possible agreement." You could expand that zone if other



This week's question regards a dispute between two neighbors, their entangled trees, a property line and pruning.

neighbors join you in a cooperative solution to a problem everyone faces.

But first, you need to perform due diligence and marshal your facts.

Most professional tree services will send a representative to conduct an onsite inspection and provide a free estimate. Expert assessments are the best way to document the scope of the overgrowth problem.

If a tree doctor determines that her elm is endangering your ficus, send a copy of the diagnosis to your neighbor with a conciliatory cover letter. Explain that you respect her property rights, and you would never harm her or anyone else's tree, but you now have evidence that you must take action to preserve the health of your own tree. Then ask if she would like to

meet and discuss possible solutions.

As you've indicated, the biggest challenge here is carting away the trimmed branches. Even in neighborhoods with curbside greenery pickup, an hour or two of landscaping work can yield a mountain of leafy waste. This is a shared problem for people who live in houses with yards. In mediation, shared problems

are prime locations for zones of possible agreement.

Community recycling events have become popular throughout San Diego because they spare residents the hassle and expense of solo landfill trips. Like block-long yard sales, they offer a collective remedy that strengthens neighborhood bonds.

If enough people on your street agree to chip in for a hauling service, everyone could clear out excess greenery at once, drag wood and weeds to the curb, and share the pleasure of watching someone else cart away your refuse while you all admire how nice your properties look.

Steven P. Dinkin is a professional mediator who has served as President of the San-Diego based National Conflict Resolution Center since 2003. **Do you have a conflict that needs a resolution?** Please share your story with The Mediator via email at mediatethis@ncrconline.com or as an online submission by visiting www.ncrconline.com/MediateThis. All submissions will be kept anonymous.

NOTEBOOKS

From Union-Tribune reporting staff

COURTS: TERI FIGUEROA

No standing up for attorneys at trial

Not long before trial was to start last month for a former Camp Pendleton Marine accused of murder, deputies found a shank in his jail cell.

For authorities, that discovery made the defendant, Kevin Coset, a security risk. The 28-year-old would have to be chained to his chair during his trial, set for last March at the Vista courthouse.

And that led to an unusual situation: The prosecutor and the defense attorney would have to try the case from their seats. No standing.

That's because Coset was acting as his own defense attorney.

At issue? Fairness. The jury's not supposed to know a defendant is in custody.

Generally at trial, a defendant who is in custody is not chained when in front of a jury. And his or her attorney can move around at will, as can the prosecutor.

But security concerns meant Coset had to be confined. If he had to remain seated during the estimated two-week trial, the prosecutor, Deputy District Attorney David

Uyar, would have to sit as well.

Coset was charged murder in the 2012 death of an Army reservist in a Fallbrook motel — a brutal attack in which the victim, Alvin Bulaoro, was stabbed 44 times and shot twice in the head.

Court records show the courtroom bailiff expressed concerns over the shank March 2 with Judge Harry Elias.

The bailiff wanted Coset belted into a custom chair. The judge OK'd the request. It's a special high-backed chair — one that looks like it belongs in an executive's office, but is outfitted with a heavy-duty, hidden seat belt.

In Coset's case, the seating became short-lived. On the first day of trial, he wanted to change his plea. He agreed to plead guilty in exchange for a sentence of up to 51 years to life. His sentencing was supposed to be last Friday, but Coset — who has asked to withdraw his plea — refused to come out of his cell. The hearing was rescheduled for June.

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San Diego Datebook

EarthFair 2018: 10 a.m. to 5 p.m. today throughout Balboa Park, San Diego. Celebrate the planet with thousands of other people who arrive at the park each year for this event with hundreds of exhibitors, food, activities for kids, entertainment, arts and crafts, themed areas and more. Free. Information: earthdayweb.org/EarthFair.html

Stage performance: 2 p.m. today at Lyceum Space, 79 Horton Plaza, downtown. "Mashed Up Songs & Dances" is an interactive show featuring a combination of dance and song. Tickets are \$20 to \$25. Information: lyceumevents.org/thepgkproject.org

Concert: 2 p.m. today at Jacobs Music Center's Copley Symphony Hall, 750 B St., downtown. "Rach 3" with Jahja Ling, conductor and Behzod Abduraimov, piano. Tickets are \$20 to \$98. Information: (619) 235-0804 or sandiegosymphony.org

Stage play: 7:30 p.m. Thursday through Saturday, and 2 p.m. Sunday through April 29 at Don Powell Theatre at San Diego State University, 5500 Campanile Drive, College area. "Anna in the Tropics" is a 2003 Pulitzer winner by Nilo Cruz, set in a Florida cigar factory around 1929 with factory workers who begin to see themselves in the characters from "Anna Karenina." Tickets are \$17 to \$20. Information: (619) 594-6884 or theatre.sdsu.edu

Art exhibit: through Sept. 3 at the Mingei International Museum, 1439 El Prado, Balboa Park. "Israel: 70 Years of Craft & Design" includes 120 everyday objects on loan from museums, private collectors, or the artists and designers who made it. Museum admission is \$10 for adults, \$7 for seniors 62 and older, youth 6 to 17, and military members and students with ID. Museum hours are 10 a.m. to 5 p.m.

Tuesday through Sunday. Information: (619) 239-0003 or mingei.org

Fashion exhibit: 10 a.m. to 5 p.m. each day through June 29 at the San Diego History Center, 1649 El Prado, Balboa Park. "Fashion Redux: 90 Years of Fashion" is a new exhibit with the San Diego History Center and the Mesa College School of Fashion and Design. Suggested donation is \$10. Information: (619) 232-6203 or sandiegohistory.org/exhibition/fashion-redux-2018.

Science center exhibit: 10 a.m. to 5 p.m. Monday through Thursday and 10 a.m. to 6 p.m. Friday through Sunday at the Fleet Science Center, 1875 El Prado, Balboa Park. "MythBusters: The Explosive Exhibition" features an interactive exhibit based on the popular television show, with an opportunity to conduct some of the same experiments that were seen on TV. Through Sept. 3. Admission is \$14.95 to \$19.95. Information: (619) 238-1233 or fleetscience.org.

Art exhibit: noon to 4 p.m. Wednesday through Sunday, through May 20 at La Jolla Historical Society's Wisteria Cottage, 780 Prospect St., La Jolla. "In Plain Sight: Mexican | Chicano Stories in San Diego." Free. Information: (858) 459-5335 or lajollahistory.org.

Seniors computer group: 9:30 a.m. each Saturday at Wesley Palms Retirement Community, 2404 Loring St., Pacific Beach. Get answers to questions about using computers and smartphones. This group meets each week. Monthly membership fees are \$1. Information: (858) 459-9065 or scgsd.org.

Send Datebook items at least 14 days before desired publication date to: fyi.city@suniontribune.com or call (619) 293-2503.

ERNIE COWAN Outdoors

This miracle is my TV series of season

Social media and email has been buzzing with a lot of interest in the nesting house wrens that I reported on in this column two weeks ago.

"These little wrens are our garden spirits. So sweet," wrote Robin Kendall. And many others asked for updates as the egg laying and brooding takes place.

For my wife and me, this has become about as exciting as waiting for our first-born grandchild. The difference is we knew what to expect with the grandchild but are much bigger worrywarts with our wrens, because we have no clue about their nesting habits. Hot and cold temperatures, wind or predator birds are all concerns.

One recent morning, a male California quail decided to use the nest box as his lookout spot while he called to his companions. Momma wren was somewhat disturbed by all this commotion.

Our wren saga began over a year ago when I casually mentioned that it would be fun to have a camera in a nest box to be able to watch the annual nesting of birds at our house.

For Christmas that year, my wife gave me a Hawk Eye HD Nature Cam. It's about the size of four side-by-side sugar cubes and just before nesting season, I decided to mount it to the roof of our tiny wren box. Cables from the camera are connected to our bedroom television, and the camera has daylight and infrared capability, allowing night vision.

On March 20, we began to see a few twigs placed in the nest box. Imagine our excitement?

By April 7, a substantial nest had been constructed, and, presumably, the female wren spent her first night inside. She didn't return at night until we woke up to find a beautiful little egg on the morning of April 15. There was a new egg every morning, and at press time we have three. Typically, house wrens lay between three and 12 eggs.

The first egg was laid when it was quite warm, and it worried us that the female spent very little time in the nest during the day. But she returned as the chill set in and snuggled in for the night.

Perhaps this is garden spirit that Robin Kendall spoke of. What else explains how these beautiful little creatures know how to do this?

It was quite chilly one night, and she had added an extra layer of feathers. The next morning, she didn't leave as she normally



ERNIE COWAN

The remote camera views a feathered nest and three wren eggs.

does at first light but lingered until the rising sun was warming the sides of the nest box.

Like worried grandparents, we were concerned when a bird was not sitting on the eggs during the day, but apparently this is not unusual until all the eggs have been laid and incubation begins earnestly.

Several times during the day we check on our televised nesting visitors. First every morning, we turn on the television and were so excited when the first egg arrived, followed daily by more. The last thing we do each night is check on the nest to make sure the female wren is safely in for the night.

In about two weeks, we should have a nest box filled with featherless chicks. Both parents will join in this celebration of new life, bringing a constant stream of tiny worms, grubs and flying insects to feed the chicks.

For us, this has been the television series of the season.

I've been a nature lover my whole life, but this inside look into the life of this tiny bird has ignited a whole new love affair. It's more about the miracle than the nature.

It's hard to watch this ritual of spring and not wonder what forces are at work that let this tiny bird find a mate, build a nest, survive cold spring mornings, or hotter days, and successfully bring new life into the world?

There's another mystery. What do I call myself?

We have become so involved in this process that we feel like part of the wren family. Grand wren parent has a nice ring.

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FROM THE ARCHIVES | LOOKING BACK OVER 150 YEARS

MEB WINS BOSTON MARATHON

The San Diego Union-Tribune will mark its 150th anniversary in 2018 by presenting a significant front page from the archives each day throughout the year.

Tuesday, April 22, 2014

In 2014, San Diego's Meb Keflezighi became the first American man to win the Boston Marathon since 1983 in an emotional event a year after the deadly bombing.

Here are the first few paragraphs of the story:

MEB'S RUN TO GLORY

SAN DIEGAN IS A MOST FITTING BOSTON MARATHON CHAMPION

By Matt Calkins, Columnist

There will be people who say that he shouldn't have won.

These will be very practical, very logical people who point to his age or his previous times and insist that Meb Keflezighi's victory was a fluke.

But then there will be the people who say it happen — the folks who heard the roars on Boylston Street or saw Meb wrap himself in an American flag — and they'll tell you that on this day, in the most emotional of the 118 Boston Marathons, there was no way anyone but Keflezighi was going to cross that finish line first.

"I've been doing this stuff my whole life. I've been to five or six Olympics, there's nothing I haven't seen — but I have never cried at a finish line. I'm crying now," said Tracy Sundlun, senior vice president of Events Competi-

tive Group and one of the founders of San Diego's Rock 'n' Roll Marathon. "For Meb to win Boston this year, in this fashion, is incredible. He is the epitome of an American."

Late Monday morning, at the age of 38, Keflezighi became the first American male to win the Boston Marathon in 31 years. The San Diego resident trekked the course in a personal-best two hours, eight minutes and 37 seconds — 11 seconds faster than second place.

Just after breaking the tape, Meb hugged his wife, Yordanos, then dropped to his knees and kissed the ground. Not surprising. There are few people fonder of American soil.

Keflezighi was born in Ethiopia and brought up in war-torn Eritrea. His father, Russom, was a hunted member of the Eritrean Liberation Front and, upon the urging of his wife, fled to Sudan in the summer of



1981.

Russom would still send money back home, though. He remained steadfast in supporting Meb and his siblings, who would sometimes see body parts on the highway and think nothing of it.

In 1986, Russom was able to move his wife and children to Milan, Italy. Fourteen months later, the family immigrated to San Diego with the help of a sponsor.

Working as many as four jobs at once, and often waking his kids up for English lessons at 4:30 a.m., Russom strived so that his children

could thrive.

And thrive they did — especially Meb. Having little concept of long-distance racing when in Africa, Keflezighi shined at San Diego High, earning CIF runner-of-the-year honors as a sophomore, junior and senior. He would go on to win multiple NCAA championships at UCLA in 1997, the Olympic silver medal in the marathon in 2004, and the New York City Marathon title in 2009.

The American Dream personified? The six-figure appearance fees Meb commanded would certainly suggest that. Still, there was always one 26.2-mile gap on Keflezighi's résumé: Boston.

"He always felt like that was the missing accomplishment," said Meb's brother and manager, Merhawi Keflezighi. "He's always been motivated to win that."

Motivation, of course, comes in varying degrees. Initially, Meb's motivation was to validate his career by winning what is widely considered to be the most prestigious marathon in the world. The motivation changed last year, when the bombs went off five minutes after he'd walked away from the finish line.

Though an injured calf muscle kept him from running in Boston last year, Keflezighi was still on hand to enjoy the running community's most revered event. But like most people who were nearby when the attack took place, he left both rattled and resolute.

When he heard about the death of 8-year-old Martin Richard, he thought about his daughter Sara, who turned 8 last March. He also thought this: I'm going to win this thing.

ONLINE: View this and other anniversary front pages online at sandiegouniontribune.com/150-years.