

260 N.J. Super. 518 (1992)
617 A.2d 265

HELEN DEBERJEOIS AND HERBERT DEBERJEOIS, PLAINTIFFS-RESPONDENTS,
v.
WILLIAM SCHNEIDER AND MARIE SCHNEIDER, CITY OF LINDEN, CITY OF LINDEN SHADE TREE COMMISSION, UNION COUNTY AND UNION COUNTY SHADE TREE COMMISSION, DEFENDANTS-APPELLANTS.

Superior Court of New Jersey, Appellate Division.

Argued January 8, 1992.
Decided January 27, 1992.

Before Judges DREIER and BROCHIN.

Edward L. Thornton argued the cause for appellants William and Marie Schneider (*Methfessel & Werbel*, attorneys; *Mr. Thornton*, on the brief).

Daniel S. Swinton argued the cause for appellants City of Linden and City of Linden Shade Tree Commission (*Bumgardner, Hardin & Ellis*, attorneys; *Mark S. Kundla*, of counsel, *Mr. Swinton*, on the brief).

James A. Shafranski argued the cause for respondents (*Lutz, Shafranski, Gorman & Mahoney*, attorneys; *Mr. Shafranski*, on the brief).

PER CURIAM.

Defendants Schneider have appealed by leave granted from an order denying their motion for summary judgment. Plaintiff was injured when she tripped on a raised portion of the sidewalk abutting defendant Schneiders' residential property. The tree that caused the sidewalk slab to rise was planted approximately 4.5 feet from the house side of the sidewalk by the Schneiders' predecessor in title, with the roots gradually expanding until the sidewalk was raised.

519 *519 Plaintiff brought his action against the property owner and the Linden Shade Tree Commission. Judge Menza denied the Schneiders' motion for summary judgment. The Schneiders successfully sought leave to appeal from this determination.

We affirm the order denying summary judgment to defendants Schneider substantially for the reasons set forth in Judge Menza's comprehensive opinion of April 19, 1991, 604 A.2d 210.

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