



Jury Verdict for Fall on Icy Parking Lot

We represented Helen D. who fractured her hip as she was getting out of her car at the parking lot where she worked in Montgomery County, PA. Three days earlier, it snowed 8 inches, and the snow removal contractor plowed the snow into large piles around the perimeter of the parking lot. The parking lot sloped downward, and as the ice melted, the water would run off and then refreeze at night. Helen had always been one of the first people to get to work each day, and when she took her first step out of her car, she slipped on the ice and fractured her hip. The ice was invisible to the naked eye, especially in the early morning hours.

During discovery, we found out that the refreezing was a continuing problem and the contractor and building management was aware of it. We were, however, able to establish that the building management gave notice to the snow removal contractor that the melted snow was causing a dangerous condition. Nonetheless, the snow removal company did nothing to remedy the situation, such as putting sand or snow melting pellets on the affected areas. Another safe alternative would have been to not allow parking in those dangerous areas of the parking lot.

At trial, the snow removal contractor and building management blamed each other and our client, but the jury found the contractor 100% negligent and awarded \$425,000.00.



The Law Recognizes Three Types of Visitors Upon Property

Invitee – an invitee is owed the highest level of care by a property owner. An invitee is someone who has permission to enter the property for business or social reasons. For an invitee, a property owner must fix and/or warn the invitee of *all hazards and dangers, both known and unknown*. An invitee, for instance, would be someone at a commercial establishment or a person who has come over to a friend’s house for a party.

Licensee – a licensee is a person who comes upon property that under the authority of the law, even if the person does not benefit the property owner. A property owner owes a licensee the duty to fix or warn against *known hazards and dangers*. (There is no obligation to warn for unknown hazards or dangers.) For instance, a licensee can be police officer or firefighter.

Trespassers – A trespasser is a person who has not been invited or allowed to be on the property. A property owner *does not have a legal obligation* to protect a trespasser from any harm, but a property owner may not purposely cause harm to a trespasser. However, in the case of children who trespass, a property owner may have a legal duty to ensure that the property is safe for children who are tempted to trespass. This is often called an *attractive nuisance*, which could include swimming pools, ponds and sometimes even rooftops; a property owner should take steps to limit access to those hazards.

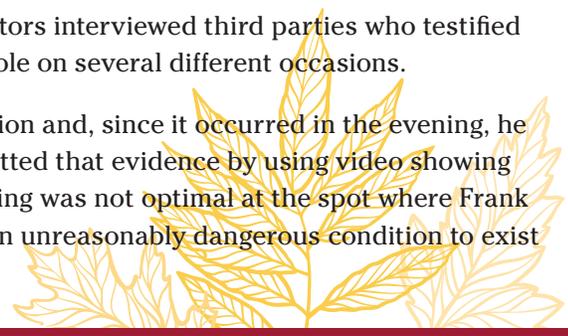


Fractures From Fall in Parking Lot Result in Jury Verdict

We represented Frank R. who broke his ankle and wrist when he fell in a hole in a shopping center parking lot in Camden County, NJ. Our client was walking into a supermarket at nighttime and stepped into a hole that was larger than the size of his shoe. He fractured his ankle and then broke his wrist when he landed, trying to protect his fall.

Photographs of the hole showed that it had eroded edges and our expert witness concluded that the hole had been there for at least one month prior to Frank R.'s injury. Also, our investigators interviewed third parties who testified that they made complaints to the supermarket management about the hole on several different occasions.

At trial, the property owner argued that our client was not paying attention and, since it occurred in the evening, he should have been even more attentive to where he was walking. We rebutted that evidence by using video showing that the parking lot was busy at night with vehicular traffic and the lighting was not optimal at the spot where Frank fell. The jury agreed that the property owner was negligent in allowing an unreasonably dangerous condition to exist and awarded our client \$355,000.00 for his injuries.



“This one time, in court...”

INCREDIBLE (AND SOMETIMES DOWNRIGHT UNBELIEVABLE)
STORIES OF THINGS THAT HAPPENED WITH CASES. (REALLY, THEY DID.)

The Importance of Going Local

Early last year, we were picking a jury in City Hall for a slip and fall case. As we were waiting for the court officer to bring in the 40 or so potential jurors, we noticed two lawyers observing us and taking notes.

We went through the first stage of the selection process which includes reviewing standardized forms on which the jurors answered basic questions about demographics, occupation, bias, etc.. Then, the jurors were asked questions in open court about some of the questions. After that, we went into the judge's robing room (behind the courtroom) to ask each juror individualized

questions. When we took a break the two observers approached us and asked us to explain the jury selection process because it was the “most confusing process we ever saw.” It turns out that they were big-firm, out-of-state attorneys with an upcoming medical device trial and they were trying to learn how the jury selection process works in Philadelphia. They were each being paid a lot of money by a Fortune 100 company to try to learn the know-how that we acquired with over 65 years of combined experience trying cases in and around Philadelphia.

Here's what we told them: in Pennsylvania, jury selection varies county by county, and judge by

judge. Sometimes, the trial Judge will personally oversee the entire process and sometimes Courtroom Assistants handle most of the process. Some judges require that the entire selection process be conducted in open court, while others allow us to ask each juror questions in a private environment. To make it more confusing, if an issue arises, some judges will not appear in the courtroom and instead require that the Court Officer place a call to the judge so the attorneys can make their arguments over the phone.

So yes, it can be and is confusing, and given that jury selection so critical to the outcome of the case, it make sense to go local.