

DEFENDANT'S VERDICT- Brett R. Bloch

PREMISES LIABILITY – Fall Down – Slip and fall on rainwater in restaurant – Anterior cruciate ligament tear with surgery.

Palm Beach County, FL

The plaintiff alleged that the defendant failed to keep its restaurant in a safe condition, causing her to slip and fall in rainwater. The defendant countered that it was not negligent, acted reasonably in placing floor mats and warning cones in the entryway in rainy weather and that the plaintiff failed to exercise due care when walking in the restaurant.

The plaintiff testified that she was a patron of the defendant's West Palm Beach restaurant and exited the facility to smoke a cigarette. The plaintiff testified that it began to rain, she reentered the defendant's restaurant and slipped and fell in a puddle of rainwater. The plaintiff, as well as four witnesses who were in her party on the night in question, all testified that there were no floor mats and no warning signs posted in the area where the plaintiff fell.

The plaintiff was diagnosed with an anterior cruciate ligament tear as a result of the fall. She underwent surgical repair of the ligament tear. The defendant called its assistant manager, as well as the mother of one of the plaintiff's friends, who testified that floor mats and warning cones were in place at the time of the plaintiff's fall.

REFERENCE

Dooley vs. Improv City Place, Case no. 2010CA026542XXXXMB; Judge John Kastrenakis, 08-02-12.

Attorney for the defendant: Brett R. Bloch of Shendell & Pollock in Boca Raton, FL.

Shendell & Pollock, P.L.
2700 N. Military Trail, Suite 150
Boca Raton, FL 33431
561-241-2323
561-241-2330 fax
www.shendellpollock.com

