

Florida



Motion for Summary Judgment – Slip & Fall Case



Gary Gorday



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Pensacola Managing Partner Thomas Gary Gorday, Esq. presented oral argument on Defendant’s Motion for Summary Judgment in *Dwyer v Gulf Coast*, a case involving a fall by a disabled person outside of a medical office building. The MSJ was authored by Appellate Partner, Daniel Weinger, Esq. Plaintiff exited a vehicle, parked in a handicap space, from the passenger side. The driver of the vehicle did not observe the fall and there were no eyewitnesses. Plaintiff, a disabled person suffering from dementia, is not able to recall the accident. Plaintiff filed suit claiming the building owner is required to have handrails outside because the parking lot is located at a medical office building. Further, Plaintiff claimed the slope in the pavement in the handicap space was too steep and was in violation of the applicable building code. In the MSJ, Defense argued there could have been multiple reasons for Plaintiff’s fall and the case depended on the impermissible stacking of inferences in order to prove causation. Plaintiff failed to file any evidence to overcome these arguments. The owner of the parking lot joined in the Motion. The trial court granted Final Summary Judgment in favor of both Defendants in agreement of the arguments by Luks Santaniello for the Defense.