

# CALIFORNIA NORTHERN AREA + GREATER SAN DIEGO MOTION FOR SUMMARY JUDGMENT GRANTED

## SIMS, LAWRENCE & BROGHAMMER

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**F**acts: A customer slipped and fell in a puddle of water at a grocery store. Plaintiff's injuries included a hip fractured and soft tissue claims. Defense valued the case in excess of \$100,000; Plaintiff's counsel valued the case in excess of \$400,000. [I would not want to admit our valuation of the case...maybe at all. Might go up on appeal. I would not want this information public.] The sweep log documented an inspection within the hour and video evidence showed that the water spill occurred 7 ½ minutes before the fall. During discovery, a store employee testified, "We are always understaffed and in my opinion it contributed to the incident."

Plaintiff argued that the sweeps must be "on the hour" and Defense countered that they must be within the hour. The Court agreed with the Defense position. Further, the Defense was able to get the plaintiff's expert disqualified as not having the requisite experience. Finally, the Court ruled that the store employee was not qualified to render the opinion that being understaffed "contributed to the incident" - calling it pure speculation.

**Ruling:** Motion for Summary Judgment granted based on lack of notice and the store meeting the standard of care for inspections. Our team of Mitchell Leverett and Nicole Van Klaveran brought this win home.



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