

Florida



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Anthony Merendino,
Managing Partner



Daniel Weinger,
Appellate Partner

Final Summary Judgment: Slip and Fall

Orlando Managing Partner Anthony Merendino, Esq., and Appellate Partner Daniel Weinger, Esq. obtained a favorable result when the court granted Defendant Delaney Gas Station's Motion for Final Summary Judgment on July 9, 2020 in the matter styled Vera Prochounina v. Delaney Gas Station d/b/a Mobil Gas in the Circuit Court of Osceola County. Plaintiff filed suit alleging she slipped and fell in the restroom of the Defendant's gas station and claimed that liquid on the floor (which was shown in a video taken by Plaintiff's ex-husband at the scene) is what caused her to fall. Plaintiff allegedly lost consciousness after the fall, was transported from the scene to the hospital by ambulance, and ultimately claimed injuries to her neck and lower back as a result of the slip-and-fall. Plaintiff's claimed past medical expenses totaled approximately \$130,000. At the hearing, Mr. Merendino persuaded the court that Plaintiff failed to meet her burden of proof that the Defendant had either actual or constructive notice of any hazardous condition in the restroom pursuant to Florida Statute §768.0755. In addition, the court was persuaded by the Defendant's argument that at the time of the alleged incident, the Plaintiff was not an invitee, but an uninvited licensee, limiting any alleged duty owed to the Plaintiff by the Defendant.