

FLORIDA

SUMMARY JUDGMENT



**LUKS, SANTANIELLO
PETRILLO, COHEN & PETERFRIEND**
— OUR VERDICTS TELL THE STORY —

Tampa Senior Partner Megan Theodore, Esq., and Senior Associate Matthew Moschell, Esq., recently obtained Summary Judgment in a premises liability action arising out of an alleged slip and fall in Pinellas County, Florida. In matter styled Cynthia Veenstra v. BJ's Restaurants, plaintiff alleged that she slipped on a fork at BJ's Restaurants while being led to her table by a hostess, and claimed that BJ's neither maintained its premises nor warned of a dangerous condition. As a result of this incident, Plaintiff claimed injuries to her left shoulder, left arm, ribs, and back. She sought recovery of past and future economic and non-economic damages, including lost wages and loss of future earnings due to her purported inability to return to work.

On Summary Judgment, we argued that there were no genuine issues of material fact and that BJ's was therefore, entitled to judgment as a matter of law. Specifically, we maintained that Plaintiff had not, and could not, prove that BJ's had notice of the allegedly dangerous condition that led to the fall. We also argued that proof of BJ's alleged negligence would require a jury to indulge in the prohibited mental gymnastics of constructing one inference upon another. Ultimately, our Motion was well-taken, and the Court granted Final Summary Judgment with prejudice.



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