

# FLORIDA DEFENSE VERDICT PREMISES LIABILITY



**LUKS, SANTANIELLO**  
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— OUR VERDICTS TELL THE STORY —

**M**anaging Partners, Anthony J. Petrillo, Esq., and Audra M. Bryant, Esq., obtained a defense verdict of no liability in a slip and fall matter styled *Cindy Dougherty v. Defendant Retail Store* on July 13, 2021. The plaintiff was seeking to recover approximately \$500,000 in damages at trial.



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This case arises out of an incident occurring on August 20, 2014 at a retail store in Tallahassee, Florida. On that date, while inside the store obtaining her items, the Plaintiff slipped and fell on an oily substance on the floor. The Plaintiff alleged that the Defendant negligently maintained its premises by allowing an oily substance to accumulate on the floor.

The Plaintiff claimed that she sustained injuries to her hip, shoulder, feet and back resulting in over \$200,000 in past medical expenses. The majority of her past economic damages were related to a hip and a shoulder surgery.

The Defendant denied that it was negligent. Specifically, the Defendant asserted that it did not have actual or constructive notice of condition, among other defenses.

The Plaintiff's theory of liability was that the retail store had actual notice of the condition as it failed to repair a forklift that leaked hydraulic fluid. The Defendant was able to easily disprove this theory and demonstrate that it was pursued with the flimsiest of evidence.

The Defendant moved for directed verdict on causation as to the plaintiff's hip and shoulder surgeries and for directed verdict on future economic damages. After vigorous argument, the Defendant prevailed on both motions. Resultantly, the Defendant successfully limited the plaintiff to boardable past medical expenses of \$18,700 and prohibited the plaintiff's recovery of any future economic damages. The Defendant also moved for directed verdict on liability and the Court took the motion under advisement. Notably, the Court strongly indicated that the motion for directed verdict on liability would be granted, however, the Court wanted to first obtain the jury's verdict.

After deliberating for less than 2 hours, the jury sided with the Defendant and rendered a defense verdict. The Defendant previously served a proposal for settlement that was rejected by the Plaintiff. Accordingly, the Defendant will be filing a motion to recover its attorney's fees and costs.