

## Defense Verdict: Slip and Fall



**Franklin Sato**

Junior Partner Franklin Sato, Esq. obtained a defense verdict of no liability in a slip and fall matter on January 16, 2020. The demand at trial was \$985K. This case arises out of an incident occurring at the Defendant Wholesale Store in South Carolina. On that evening, Plaintiff was delivering a load of goods to the store when he slipped and fell on snow and ice in the loading dock. Earlier in the day both at the store and on Plaintiff's route to the same, it had snowed in and around Bluffton, which accumulated on the ground. Immediately prior to his fall, Plaintiff parked his truck and walked around the snow and ice that had accumulated on the ground for approximately 10 minutes while delivering his load. Plaintiff denied that he walked on the snow and ice prior to the incident. Plaintiff alleged that Defendant failed to remove the snow and ice and otherwise failed to maintain its loading dock in a reasonably safe condition.

Defendant denied Plaintiff's claims made in his lawsuit. Specifically, Defendant asserted that the snow and ice was a natural and open and obvious condition, that Plaintiff voluntarily assumed the risk of walking on the snow and ice despite knowing its risk, and that Plaintiff's comparative negligence was the primary cause of this incident, among other defenses.

Plaintiff claimed a double fracture of the lateral malleolus of the right fibula. Plaintiff's orthopedic surgeon confirmed one of the fractures and further diagnosed Plaintiff with a tendonitis in his right ankle.