

FLORIDA

FINAL SUMMARY JUDGMENT

SLIP AND FALL



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

Fort Lauderdale Managing Partner Dorsey Miller, Esq., and Appellate Partner Dan Weinger, Esq., recently obtained an order entering final summary judgment in the slip and fall matter styled Atkinson v. Defendant Retail Store. Plaintiff demanded \$1,000,000 and claimed over \$182,000 in medical bills. The Plaintiff went shopping at Defendant Retail Store in Lantana, Florida on May 19, 2017. She claimed that she slipped, but did not fall, on fluid that was on the ground as she was making her way to the register to pay. Another unidentified customer had just walked away from the location of Plaintiff's slip before it occurred. After slipping, Plaintiff did not immediately look down, but after a relatively short amount of time, she went

back to the spot and noticed a "brownish and yellow" liquid substance on the ground. She identified the liquid as "some sort of oil substance" because she could see a mark from shopping cart wheels, but believes that mark was from her own shopping cart. She did not know how long the substance was on the ground or how it got there. Plaintiff also testified that she did not notice anything nearby that could have caused the spill and did not witness anyone drop or spill anything before she slipped. She further conceded that there were no footprints anywhere near the condition. The trial court found that the Plaintiff had failed to establish either actual or constructive notice of the alleged condition and entered summary judgment accordingly.



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