

# FLORIDA

## Mary Pravato v. G&H Concrete and Sod, Inc. and Sun Communities, Inc.



**M**anaging Partner William Peterfriend, Esq., and Junior Partner Erin O'Connell, Esq., obtained a favorable result in a general liability negligence matter. Plaintiff filed suit against multiple defendants as a result of alleged injuries she sustained in a trip and fall on her own property. She specifically claimed she tripped on a piece of missing or broken sidewalk in her yard, causing her to fall. Defendant G&H Concrete and Sod, Inc. had previously performed work on sidewalks in Plaintiff's neighborhood. In her deposition, Plaintiff testified that she was tired of seeing debris in her yard and elected to go out and rake it up. While admittedly walking backward and not looking where she was going, she tripped and fell over something. She testified she did not know what she tripped on. Plaintiff further testified that she merely assumed the debris in her yard was from Defendant G&H. Her testimony reflected that the debris was present in her yard prior to when she moved on to the property, and she was aware of it.

Defendant filed its Motion for Summary Judgment, arguing that the alleged dangerous condition caused by the debris in Plaintiff's yard was open and obvious. Plaintiff was admittedly aware of the debris, admitted she went to rake up said debris, and admitted she was not looking where she was walking as she moved backwards, therefore she was not sure what it was she tripped over. Further, Defendant argued that they owed no duty to the Plaintiff as they were never in possession or control of the premises where the fall occurred, nor had they been in the vicinity of the property for over two months prior to the date of loss. The Court, and Honorable Judge Nicholas Lopane agreed with Defendant, and entered an Order for Final Summary Judgment in favor of the Defendant. Plaintiff initially demanded \$250,000.00.



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