

Premises Liability: Constructive Notice

SERVICES

Premises Liability

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Nicholas M. Scaptura

July 22, 2019

Timothy R. Scannell and Jay W. Fazzino recently obtained a judgment as a matter of law in favor of their client, a northeast-based supermarket, in an action brought in the Judicial District of Hartford in the Connecticut Superior Court. The case involved an alleged slip and fall accident in which the Plaintiff claimed that she was caused to fall due to an unidentified substance on the store floor. The Defendant denied all allegations of negligence brought by the Plaintiff in this premises liability action.

In response to cross-examination at her deposition, the Plaintiff admitted that she did not know why she fell or what had caused her slip and fall accident. Further, the Defense elicited testimony that the Plaintiff did not see any substances or debris on the supermarket's store floor, and that she did not feel any accumulated liquid in the area where her accident occurred. The Plaintiff could merely testify that she observed that the store floor was "shiny" and "slippery," though she could not communicate any industry standard violated by the Defendant.

In response to the Defendant's motion for summary judgment, the Court found that the Defense had met its burden in establishing that the Defendant lacked constructive notice of a specific defect. The Court agreed that the Defense effectively demonstrated that there was no evidence from which a jury could reasonably conclude that it had knowledge, actual or constructive, of any dangerous or defective condition that could have caused the Plaintiff's injuries. As a result, judgment was entered in favor of the Defendant as to all claims of negligence advanced by the Plaintiff.