

Premises Liability – Defense Verdict

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Premises Liability

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Matthew H. Greene

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An innkeeper sued by a guest for serious personal injuries in the Berkshire Superior Court was successfully defended.

The plaintiff, while a guest of the inn, fell down a flight of stairs while reading a framed and mounted newspaper article on the wall. She alleged that the article's position relative to the stairs, in conjunction with the configuration of the staircase, constituted an unreasonable and dangerous hazard. The plaintiff sustained a fractured tibia, fractured right shoulder, shoulder dislocation and a fractured skull. At trial, the plaintiff offered approximately \$120,000 in medical bills and claimed persistent effects stemming from the accident, including mobility issues and frequent migraine headaches. The settlement demand from the plaintiff's attorney prior to trial was \$1 million.

The primary disputed issues in the case were notice of the condition and the plaintiff's awareness of the configuration of the stairs. On cross-examination, Attorney **Matthew Greene** successfully elicited testimony that the plaintiff had taken notice of the article and staircase on at least three separate occasions prior to her fall. Moreover, as she approached the stairs and article to read the smaller type, she was aware that the stairs were immediately to her right. After a three day trial, the first live jury trial in Berkshire County and among the first few in Massachusetts since COVID, the jury returned a defense verdict.