

Premises Liability – Hotel Pool Area

SERVICES

Premises Liability

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Timothy R. Scannell

Boyle | Shaughnessy Law attorneys Timothy R. Scannell and Thomas H. Houlihan, Jr. recently obtained a defense verdict in a premises liability case in the New London Superior Court. The plaintiff alleged that she fell as a result of an unsecured filter cover located in the pool area of the defendant's hotel. In particular, the plaintiff alleged that the filter cover slid off of the filter when she stepped on it, which ultimately caused her to fall and injure her lower back and left ankle. The plaintiff subsequently underwent two lumbar fusion surgeries and significant rehabilitation. Attorneys Scannell and Houlihan represented the hotel owner. The plaintiff alleged that the hotel owner was negligent in failing to adequately inspect and maintain the filter cover, and in failing to properly warn of the cover's dangerous condition.

During the trial, the defendant admitted that the filter cover had not been screwed into the filter at the time of the incident. However, on cross-examination of the plaintiff's witnesses, the defense challenged the version of events proffered by both the plaintiff and a third-party witness by refuting the alleged mechanics of the fall and casting suspicion on many of the plaintiff's representations surrounding the incident.

Additionally, the plaintiff's orthopedic surgeon testified that the plaintiff's lower back injuries and subsequent surgeries were causally related to the alleged incident. However, the defense was able to effectively argue that the surgeon's causation opinions relied almost entirely on the plaintiff's trustworthiness in reporting her subjective complaints of pain after the alleged incident occurred. The defense was also able to display to the jury the plaintiff's history of prior back injuries and highlight a rebuttal expert's opinion refuting causation.

The plaintiff made a final pre-trial demand of \$850,000.00 to settle the case. On the sixth day of trial, the jury returned a defense verdict.