

Premises Liability – Slip and Fall – Summary Judgment

SERVICES

Premises Liability

RELATED ATTORNEYS

Ashley A. Noel

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Ashley A. Noel and Jay W. Fazzino recently obtained an entry of summary judgment in favor of their client in a premises liability action filed in Hartford Superior Court in Connecticut. The Defendant had been contracted to supply a waste receptacle on a commercial property for a designated period of time during a restoration project. The Plaintiff alleged that the Defendant's dumpster was allowed to leak onto the abutting sidewalk, thereby causing a dangerous condition that caused him to slip and fall. As a result of the slip and fall accident, the Plaintiff claimed a number of injuries to his lower extremity including an acute fracture of the left calcaneus.

In response to the Plaintiff's allegations, the Defense produced business records maintained by the Defendant which documented the time frame that the Defendant's waste receptacle had been present on the subject premises. The Defense cross-referenced the business records with the Plaintiff's medical records and pleadings in an effort to conclusively show that the Plaintiff had brought suit against the incorrect company. More specifically, the Defense effectively established that the waste receptacle placed on the commercial property by its client had been removed from the premises one week before the Plaintiff's accident occurred. As a result, the Court entered judgment in favor of the Defendant with respect to all claims of negligence brought by the Plaintiff.