

Premises Liability

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Boyle | Shaughnessy Law attorneys Michael D. DeMeola and Timothy R. Scannell recently obtained a defense verdict after a 5-day trial in a premises liability case in the Hartford Superior Court. The plaintiff alleged that she fell while descending an outdoor stairway in the backyard of her sister's home. More specifically, the plaintiff alleged that the bricks that made up each individual step were unsafe and loose, which ultimately caused her to fall and injure her neck and left shoulder. The plaintiff subsequently underwent two shoulder surgeries, as well as a cervical discectomy and fusion procedure. Attorneys Scannell and DeMeola represented the homeowner. The plaintiff alleged that the homeowner was negligent in failing to adequately inspect, maintain and repair the stairway at issue, and in failing to properly warn of the stairway's dangerous condition.

During the trial, the defendant admitted that the stairway was unsafe in certain areas, and that she had not considered installing a handrail to add protection to the structure.

The plaintiff's orthopedic surgeon and neurosurgeon both testified that the plaintiff's shoulder and neck injuries were causally related to the alleged incident. However, on cross examination, both physicians conceded that the condition of the plaintiff's shoulder and cervical spine may very well have pre-dated the incident. Both experts admitted that their causation opinions were based almost entirely on the plaintiff's honesty in reporting her subjective complaints of pain after the alleged incident occurred.

On cross-examination, the defense tested the plaintiff's version of events, and displayed to the jury that many of the plaintiff's representations deserved suspicion.

The plaintiff testified that a number of her medical records were inaccurate, and that in some instances, her initial orthopedist and neurosurgeon were fabricating facts regarding her treatment. At trial, Attorneys Scannell and DeMeola presented the testimony of both physicians, who stood by their records, putting the plaintiff's credibility squarely at issue. While the plaintiff alleged that she was extremely active before the incident, the defense also presented prior medical records showing that she had been scheduled for a total knee replacement approximately one year earlier. Further calling the plaintiff's claims into question, Attorneys Scannell and DeMeola presented evidence establishing that the plaintiff had been totally disabled since 1983 as a result of a pulmonary condition.

The plaintiff advocated for an award in the amount of \$1,500,000.00 to the jury during the trial. On the fifth day of trial, the jury returned a defense verdict.

