

Slip and Fall – Water on Floor

SERVICES

Premises Liability

RELATED ATTORNEYS

Ashley A. Noel

Timothy R. Scannell

July 19, 2019

Timothy R. Scannell and Ashley A. Noel recently obtained a defense verdict following a jury trial in the Judicial District of Waterbury of the Connecticut Superior Court. The plaintiff claimed to have slipped and fallen on an accumulation of water on the marble tile floor in the women's restroom of a wedding and banquet facility during a charity event. As a result of her fall, the plaintiff sustained a comminuted intraarticular fracture of the distal radius, which required surgical intervention and subsequent therapy, and claimed that she was prevented from working for several months.

During trial, the plaintiff presented testimony from an engineering expert, who testified that the floor was not adequately slip resistant when wet and therefore violated applicable standards promulgated by the American National Standards Institute. The defendants also admitted on cross-examination by plaintiff's counsel that the marble tile floor was dangerously slippery when wet. In addition to arguing that the floor was unreasonably dangerous, the plaintiff also argued that the defendants violated their own policy of stationing a bathroom attendant in the women's restroom throughout the charity event. The defendants were admittedly unable to identify the bathroom attendant present on the night of the plaintiff's fall.

The defendants' strategy at trial focused largely on causation. Attorneys Scannell and Noel challenged the plaintiff's version of how the accident occurred, namely that the plaintiff never actually observed water on the restroom floor and walked through the exact location where the water was allegedly present minutes before her fall without incident. The defendants also presented evidence to contradict the plaintiff's testimony that she slipped on water through the testimony of an employee who inspected the area shortly after the plaintiff's fall. Furthermore, Attorneys Scannell and Noel undermined the plaintiff's credibility by presenting social media posts which directly contradicted her testimony regarding her claimed lost wages and physical limitations.

The jury returned a verdict in favor of the defendants following three days of evidence. During closing arguments, the plaintiff requested an award in excess of \$250,000.00.