

Slip and Fall – Charitable Limitations

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Dawn M. Piccirilli

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Boyle | Shaughnessy Law shareholder Dawn Piccirilli obtained a defense verdict in Essex County, Massachusetts. The case involved an alleged slip and fall at the YMCA in which the minor plaintiff, an 11 month-old girl sustained a femur fracture and required a spica body cast for a period of approximately 1 month. It was alleged that the period in the spica cast caused developmental delays. At issue was the applicability of the charitable limitation set forth in G.L. c. 231, § 85K. Attorney Piccirilli offered evidence of the defendant YMCA's charitable purpose including the corporate charter for the YMCA and testimony from the YMCA's chief executive officer, and at the close of the evidence, a directed verdict on the issue of the applicability of the charitable limitation entered for the defendant. Thus, Attorney Piccirilli was able to limit recovery against the YMCA to the statutory amount of \$20,000.00 prior to the jury's deliberation. In addition, Attorney Piccirilli was able to rebut the plaintiff's claims that the YMCA was negligent, and a defense verdict was returned.