

Statutory Limited Liability for Snow & Ice Maintenance – Defense Verdict

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Michael P. Johnson

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Attorneys Michael Johnson and Ryan Landry received a first-of-its kind defense verdict in Rockingham County Superior Court after a 6 day trial when the Jury found that the defendants were entitled to the limited liability protections provided by RSA 508:22. The case involved a woman who slipped in a parking lot maintained by our client. Plaintiff claimed she fell in a completely unmaintained parking lot and fractured her left leg, resulting in complex regional pain syndrome, a permanent 65% impairment of her leg, and total disability.

The key issue in the case was whether the defendants were entitled to the limited liability protections provided by RSA 508:22, given that our client was a certified commercial applicator. The jury had to determine whether our client had implemented the best management practices for winter road and parking lot maintenance published by the New Hampshire Department of Environmental Services and New Hampshire Department of Transportation, and whether the plaintiff's injuries were the result of the defendant's implementation of those best management practices. After a 6 day trial, with 8 witnesses, including 2 experts, and a witness from the State of New Hampshire Department of Environmental Services, the jury found that the defendants had proven the statutory defense, and returned a defense verdict.