

## Traumatic Brain Injury – Defense Verdict

### SERVICES

Premises Liability

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Megan E. Fitzgerald

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**October 15, 2021**

Shareholders Nick Kosiavelon and Megan Fitzgerald of BSL's Boston office won a defense verdict in a traumatic brain injury ("TBI") case in Middlesex Superior Court.

The Plaintiff alleged that she fell backward on untreated ice in the parking lot of a supermarket hitting her head and suffering a traumatic brain injury and variety of orthopedic injuries. The Plaintiff utilized "reptile lawyering" tactics, asserting that because the Plaintiff fell in a handicap parking area the client had a heightened duty to ensure the area was clear of hazards.

The Defense focused on the weather conditions, calling a local meteorologist, as well the extensive efforts of the defendant to address snow and ice conditions at the store. The Defense also presented testimony from a retained neurologist arguing that the TBI claim was meritless and that all of the Plaintiff's complaints were either non-existent or pre-existing.

After a six day trial the jury returned a no-negligence defense verdict.