

Premises Liability

SERVICES

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August 27, 2018

The plaintiff, a delivery person, alleged that the defendant's parking lot was defective. The plaintiff, while making a liquor delivery, alleged that he was crossing the parking lot owned by the defendant and the two-wheeler he was using to transport the liquor tipped over when it came into contact with an uneven surface in the asphalt parking lot. The plaintiff alleged that the parking lot was defective and presented a hazard to people using the premises.

The defense theory was that the condition of a broken and damaged asphalt did not constitute a defect. In addition, the defense also focused on the fact that the damaged and broken asphalt was a typical condition in New England which would be open and obvious.

The plaintiff sustained bilateral ruptured Achilles tendons which were surgically required. After multiple surgeries, the plaintiff alleged that he had a restricted range of motion and was prohibited from returning to his occupation as a liquor delivery person. The plaintiff claimed lost wages in the amount of \$475,000 and incurred medical bills in excess of \$100,000.

The jury returned a defense verdict in favor of my client.