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Trial Reports

Negligence

Slip and Fall - Broken Hip - Shopping Mall - Slippery Floor

Type of Case: Plaintiff sued defendant for negligence in creating dangerous condition and not adequately warning invitees

Type of Injuries/Damages: Broken hip, requiring multiple surgical procedures; permanent partial disability of lower extremity; \$50,000 in medical bills and \$16,000 in lost wages

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Age of Plaintiff: 44 years old

Court/Case No.: Reavis v. LVG Properties, Inc., et al; Orange County Superior Court

Awarded/Settled: Tried over seven days

Date Case Concluded: August 29, 1990

Judge: Hon. Donald Stephens; no

appeal

Verdict Amount: \$1 million compensatory

Highest Pre-Verdict Offer: \$12,000 before trial; several high-low proposals made during trial

Insurance Carrier: N/A

Other Useful Information: Plaintiff, a 44-year-old single parent, slipped about ten steps into the mall. She has had three major and one minor operation and may need more.

Plaintiff sued the mall owners and managers, who in turn sued the company that had redone the mall's floors five weeks before the fall. Plaintiff contended that the floor was dangerously slippery and that owners and managers were on notice from tenants. These defendants contended that they had a sign posted and that plaintiff was contributorily negligent for failure to heed its warning. Defendants also contended that the slippery floor was due to negligence of third party

defendants, a waxing company.

Just before closing arguments, the parties entered into a confidential high-low settlement, which was not disclosed to the jury. The third party defendant was not found liable.

Attorney(s) for Plaintiff: Donald H. Beskind (lead) and Andrea A. Curcio, BESKIND AND RUDOLPH, P.A., Chapel Hill; Wade Barber Jr. and Robert P. Joyce, BARBER & JOYCE, Chapel Hill

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