

Kenney Wins Decisive Victory in Slip and Fall Case

After a four-day trial in Erie County, a Supreme Court jury concluded that the defendants' negligence was not a substantial factor in causing the plaintiff's injuries as a result of a fall. Specifically, the plaintiff claimed that she slipped on the front porch of a house that was being staged for sale. Plaintiff claimed that she slipped on snow and/or ice and as a result, she sustained compression fractures at the L2, L3, and L4 levels of her lumbar spine. She also claimed to develop a pulmonary embolism as a result of these injuries.

The plaintiff sued the homeowner, the real estate agent who was supervising the open house and the real estate agency. The plaintiff claimed that the defendants were negligent in their maintenance of the property and that this negligence created a dangerous condition. The homeowner, who had already moved out of the home, testified that he inspected the property on the morning of the open house and at the time of his inspection he did not observe any snow or ice on the porch. The defendant agent also testified that upon arrival, there was no snow or ice on the porch that created a hazardous condition.

Following her fall, the plaintiff returned home and sought medical treatment several hours after the incident. Plaintiff's doctors determined that she sustained lumbar compression fractures as a result of the fall. Several days after the incident, the plaintiff developed a pulmonary embolism and claimed that this embolism was the result of a then undiagnosed cancer.

Prior to trial an offer of \$30,000 was rejected by plaintiff's counsel. The jury deliberated for approximately two hours and concluded that the defendant's negligence was not a substantial cause of the plaintiff's injuries.