



## Defense Verdict: Slip and Fall



Franklin Sato

Junior Partner Franklin Sato, Esq. obtained a defense verdict of no liability in a slip and fall matter styled *Hossein Tabarestani v. Defendant Store* on January 16, 2020. The demand at trial was \$985K. This case arises out of an incident occurring on January 7, 2018 at the Defendant Wholesale Store in South Carolina. On that evening, Plaintiff was delivering a load of goods to the store when he slipped and fell on snow and ice in the loading dock. Earlier in the day both at the store and on Plaintiff's route to the same, it had snowed in and around Bluffton, which accumulated on the ground. Immediately prior to his fall, Plaintiff had parked his truck and walked around the snow and ice that had accumulated on the ground for approximately 10 minutes while delivering his load. Plaintiff denies that he walked on the snow and ice prior to the incident. Plaintiff alleged that Defendant failed to remove the snow and ice and otherwise failed to maintain its loading dock in a reasonably safe condition.

Defendant denied Plaintiff's claims made in his lawsuit. Specifically, Defendant asserted that the snow and ice was a natural and open and obvious condition, that Plaintiff voluntarily assumed the risk of walking on the snow and ice despite knowing its risk, and that Plaintiff's comparative negligence was the primary cause of this incident, among other defenses.

Plaintiff claimed a double fracture of the lateral malleolus of the right fibula. Plaintiff's orthopedic surgeon confirmed one of the fractures and further diagnosed Plaintiff with a tendonitis in his right ankle.

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Managing Partners Dan Santaniello and Anthony Petrillo (Tampa) are Florida Bar Board Certified Civil Trial Experts. Partners Christopher Burrows and Patrick Hinchey are Florida Bar Board Certified Construction Law Experts. The firm has a full-service Appellate team in South, Central and Northern Florida to assist with summary judgments, motions in limine, discovery objectives, trial strategy and post-trial positions. The Daily Business Review selected Luks, Santaniello as finalists for the Most Effective Lawyers for its innovation in filing a Declaratory Judgment Action in a multiple Wrongful Death claim.

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