

Jury Awards \$2.1 Million in Slip and Fall Case

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Juries in Allegheny County, Pennsylvania have been perceived as being relatively conservative and “Defendant-friendly” in terms of awarding compensation in personal injury cases. This trend has been constant since the early 1990’s. While it is true that in certain catastrophic injury or death cases, juries have entered significant damage awards, it has been perceived that slip and fall claims that result in soft tissue or relatively minor injuries, would not result in large verdicts.

On March 13, 2017, an Allegheny County jury awarded a staggering damage amount in a slip and fall claim. It remains to be seen if the conservative damages trend is going to change.

In *Horton v. Target Corporation* (GD14-002877 — Judge DellaVecchia), the jury awarded \$2.1 million to the Plaintiff who sustained a torn hamstring after falling on the floor at a Target store. A soft drink spill had occurred on the floor of an aisle at Target and store employees were dispatched to clean up the spill. The spill was reportedly guarded by cones and a mop bucket was in use with a sign warning of the wet floor. The Plaintiff reportedly was aware of the existence of the spill and saw the warning cones. Despite these warnings, she entered the area of the spill and fell.

The jury found that Target was negligent and that its negligence was a factual cause of the Plaintiff’s injury. Interestingly, the jury also found that the Plaintiff had no fault of her own and was not comparatively negligent. In other words, the jury concluded that the Plaintiff’s own conduct was not a contributing factor to the accident, even to a minimal degree.

Post-trial motions have been filed in the case and it could be many months before this matter is concluded or resolved on appeal.

The duties owed by a landowner, shopkeeper, or a landlord, to keep their premises safe and free of hazards are very high with respect to customers, patrons, or other “invitees”. The jury verdict in the *Horton* case could be a watershed in terms of the attitudes of juries in slip and fall cases. Just as likely, the outcome may be due to the likability of the Plaintiff and/or a disdain toward Target. In either event, this verdict is significant in Western Pennsylvania.

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