

Pennsylvania Superior Court Upholds Entry of Summary Judgment In Favor of Defendant In Slip And Fall Case

Articles February 5, 2018

In a case with very good facts for the property owner, the Pennsylvania Superior Court affirmed the entry of Summary Judgment against the Plaintiff in a case filed in the Court of Common Pleas of Philadelphia County (*Collins v. Philadelphia Suburban Development Corporation*, 2018 WL 627229).

Many of the slip and fall cases involving ice and snow turn on the application of the “hills and ridges” doctrine to be discussed below. In the *Collins* case, the Plaintiff was working at a facility owned by the Philadelphia Suburban Development Corporation (“PSDC”) that was leased to his employer. The undisputed evidence was that Plaintiff slipped and fell on an ice/snow covered sidewalk. The discovery conducted in the case revealed that the Plaintiff was aware that it had been snowing during the day and that a substantial amount of snow was on the ground before his fall at 1:30 p.m. and 2:00 p.m.

Based upon the admitted testimony produced during discovery, PSDC argued that there was no dispute that Plaintiff slipped and fell on ice/snow from an active blizzard and that the property owner had not breached any duty it owed to Plaintiff. PSDC argued that pursuant to the hills and ridges doctrine, it had no duty to remove the ice/snow from the premises during the active blizzard.

The hills and ridges doctrine requires that in order to proceed to a jury, a Plaintiff must offer facts from which a jury could conclude that a reasonable amount of time had elapsed between the notice of the dangerous condition of natural accumulations of snow or ice in the form of hills and ridges and the onset of the duty to eliminate the hills and ridges. The Superior Court in *Collins* cited to a previous decision of the Superior Court which held that a property owner was not required to remove snow from a parking lot by 7:45 a.m. when the Plaintiff fell, where it had started snowing the night before.

In *Collins*, the Superior Court predicated the decision to affirm the entry of Summary Judgment in favor of PSDC on the principle that a landowner has no duty to correct or take reasonable measures with regard to storm-created snowy or icy conditions until a reasonable time after the storm has ceased.

For additional information contact Jon McAnney.