

LANSDALE

ACTS Center—Blue Bell
375 Morris Road
Post Office Box 1479
Lansdale, PA 19446-0773
Phone 215-661-0400
Fax 215-661-0315

LIMERICK
HARRISBURG

All Slips, Trips and Falls Are Not the Same

Steven B. Barrett, Esquire

A great number of cases are filed in courts on behalf of victims suffering major injuries due to slipping and tripping on hazards that otherwise could have been avoided. Many of these injuries occur in grocery stores where there is a lot of produce and food on display and ready to be grabbed and put into carts. If we think about it, there is a lot of activity going on in today's grocery stores. There is the traffic of other patrons and store employees, the pushing and mobilization of carts, and the stocking and removal of products from shelves and cases. All of this activity occurs with everyone's attention on different things, and all of this activity increases the risk of slipping and falling.

Grocery store owners have the responsibility to make sure that hazards known to them are cleared and made safe for patrons. If they don't, and a patron slips or trips, causing injury, the owners can be liable. However, the key for you to know is whether the hazard was "known" to the owner. In Pennsylvania, there is a significant difference between an owner-created hazard and one that is created by someone other than the owner. If the hazard was created by a non-owner, then the law states that owner must be on notice of the hazard in order to be held liable for an injury.

An example of an owner-created hazard is as follows. A grocery store employee stocking shelves leaves a carton in the aisle causing a patron to trip and fall. In this case, the employee is an extension of the owner and his leaving the carton in the aisle is a hazard. The grocery store is automatically on notice of the dangerous carton because it was the employee who left it and who otherwise should have known that it was negligent to do so.

However, let's say a shopper slips on a grape and injures himself. No one knows how the grape got onto the floor or for how long it was on the floor before the accident. In this case, another shopper -- a non-owner -- may have very well dropped the grape on the floor. The grape could have been on floor just moments before the accident -- no one knows. Without knowing the "who" or "when," the grocery store will not be found liable because no one can say that the store knew or had reason to know of the grape so that it can be cleaned up before the accident occurred.

But let's take it one step further and add some facts. Suppose another shopper did drop the grape on the floor and someone almost slipped on it, telling the store manager about the grape. Now the store has been made aware of the dangerous situation for its shoppers. In other words, the store has notice of the dangerous condition and is responsible to take action to safeguard other shoppers. If the store still does nothing or takes too long to react, the shopper who slips and injures herself may very well be able to prove liability against the store.

Through these two examples, it is better understood that a slip and fall accident has many aspects that must be examined and investigated to determine if an injured person has a case against the owner of a store.

If you have any questions or want further clarification, please contact our Firm and we will be happy to assist.