



The Voice

And The Defense Wins

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James Studnicka



Attorney [James Studnicka](#) with **Haynes Studnicka Kahan** in Chicago, Illinois, recently had summary judgment motions granted in premises liability cases filed against a pair of retail grocery chains.

The first motion, granted by the Federal Court for the Northern District of Illinois, involved a woman who claimed to have slipped on liquid near the checkout area of a local grocery store. Although she did not fall, plaintiff claimed to have suffered immediate searing pain in her left buttock as a result of the occurrence. An MRI reportedly showed a multiple-tendon rupture of the left proximal hamstrings. The plaintiff continued to complain of ongoing pain at the time of her deposition. Security camera footage of the area of the occurrence appeared to show a customer having purchased bags of ice about twenty minutes before the occurrence. However, a former employee testified at his deposition that he had just completed an inspection of the area about ten minutes prior, as shown in the video, and there was no water on the floor at that time. In the written opinion, the district court magistrate judge noted that plaintiff's theory that the water originated from a bag of ice was speculative at best and found that the store's policies for periodic floor inspections and handling wet items at checkout were reasonable. Because plaintiff was not able to demonstrate that the store caused the water to be on the floor or had actual or constructive notice of its presence, summary judgment was granted.

The second motion, in the Circuit Court of Cook County, involved two men who claimed to fall in rapid succession on a cooking oil spill in the cereal and coffee aisle at the grocery store. Store personnel initially found the claim to be suspicious due to the strange way in which the men were acting at the scene. Additionally, the source oil bottle was found upright on a nearby shelf, the cap was intact on the floor and the foil seal was missing completely from the bottle, suggesting that the bottle had been opened intentionally. As a result of the fall, one plaintiff claimed to have injured his back and have lost consciousness. He was admitted to the hospital for observation based on the closed head symptoms he described. The other plaintiff claimed back and leg injuries. The men each claimed significant lost time from their jobs as livery drivers. Ultimately, the court found that the plaintiffs failed to submit any evidence to demonstrate that the store caused or had actual or constructive notice of the oil spill.

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