SLIP AND FALL CASES

Insurance companies and their attorneys typically blame the injured party for not seeing the spill on the floor. It is very easy to assume that the injured party should have been looking where she was going. Most premises liability cases do not require an expert to say whether or not a condition is dangerous. This usually is left to a jury to decide that.

Ultimately the injured party has to prove that the Defendant failed to act reasonably under the circumstances.

The mode of operation is a legal theory for cases against a supermarket where a person is injured by slipping on a food sample. In order to establish liability against the supermarket or company serving the food, you must show that the Defendants adopted a method of operation from which you could reasonably be anticipated that unreasonably dangerous conditions would regularly arise and that the Defendants failed to exercise reasonable care to prevent harm under those circumstances.

If there is a potential building code or OHSA standard violation, then it is important to hire a qualified expert such as an Architect or Engineer who can give opinions as to the code violation and how compliance would have prevented the injury.