



## **YOUR LEGAL RIGHTS**

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### **WHAT TO DO IN SLIP AND FALL CASES**

In Florida a person or entity in control of a business owes a duty of reasonable care to maintain the premises in a safe condition for the safety of their customers. This duty includes reasonable efforts to keep the premises free from transitory foreign objects and substances that may cause someone to fall and get hurt.

Reasonable efforts to keep the business establishment clean include, for example in supermarkets, inspections of the store to make sure that there are no liquid spills on the floor, cleaning the spills that the store either knew about or should have known with reasonable inspection, and warning individuals of a danger that exists in the premises. If the fall is caused by the negligence of the store, they are responsible for paying the injured person's medical bills and lost wages and also compensate them for pain and suffering.

If a person is injured due to a slip and fall in a business premise, the first thing they you should do is look around to see what caused the fall and where the liquid potentially came from.

The next step is to see if there were any witnesses to the fall. If there was a witness, it is very important to write down their name, address and telephone numbers in case the store does not want to pay for the damages in the future. In all types of liability claims, it is the injured person's burden to prove the store did something wrong. With a witness statement obtained by an attorney in the case, the probability of being successful in the claim improves dramatically.

Also, if an employee saw the fall, it is important to get his or her name and telephone number. They may have to be contacted at a later date.

Next, they should contact an employee of the store and have them get the manager. While waiting for the manager, the person should stay at the same in the area of the fall so they can explain to the manager what occurred. Also give the manager the name of the witness for his or her records. Usually the manager of the store will write up an "incident report" explaining what occurred and occasionally will take pictures of the person and the fall site.

Of course, if the injured person has a camera, it is best to take his own pictures of the scene, especially if the liquid can be clearly seen in the photographs, for



example, a green liquid detergent. It will also be helpful to the case if the person can obtain a copy of the incident report while at the store with the manager. Occasionally it will be given to the person and it helps the attorney greatly in attempting to settle the case out of court.

If the person does not receive a copy at the time of the incident, it will be very difficult for the attorney to get a copy of it later. The insurance company for the store could say that there is no incident report or that it is part of the investigation and they are not required to share it.

If the person is injured due to the fall, the store manager will usually ask the person if he or she needs medical assistance from the paramedics. If the person is hurt, they should not be afraid to say yes to this assistance. The paramedics will come into the store, evaluate the person and possibly take them to the hospital. This evaluation from the paramedics is another form of proving that the person was in fact injured by the slip and fall.

While waiting for the paramedics, the manager will probably explain to the person that the store will take care of the medical bills. It is very important for the injured person not to accept any offers from the store or their insurance company without consulting an attorney. Once an offer is accepted and documents are signed the person might be waiving their right to pursue compensation for medical expenses, lost wages and pain and suffering.

It is also important not to wash or get rid of the clothes the person was wearing during the accident. For example, if the person fell on detergent, the clothes will have a very strong odor from the liquid, which will also help prove the case. The person should place the clothes in a plastic bag and save them for their attorney.

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