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Partner Bradley T. Guldalian Secures Summary Judgment Win for National Hotel Chain

Related Attorneys: Bradley T. Guldalian

On June 26, 2019, Traub Lieberman Straus & Shrewsberry LLP Partner Bradley T. Guldalian secured summary judgment on behalf of a national hotel chain in a slip and fall accident filed in Osceola County Circuit Court in Kissimmee, Florida. The underlying loss occurred when the Plaintiff slipped and fell in a puddle of water allegedly existing in the hotel's laundry room and suffered a partial thickness rotator cuff tear involving the distal infraspinatus tendon for which he underwent surgery and incurred over \$70,000 in medical bills. The Plaintiff filed a premises liability action against the hotel claiming the hotel had failed to maintain its premises in a reasonably safe condition proximately causing the Plaintiff's fall and resulting injuries.

After discovery closed, Mr. Guldalian filed a motion for summary judgment on behalf of the hotel arguing that to prevail in a negligence claim involving a "transitory foreign substance", such as water on a floor, an injured party must plead and prove pursuant to Florida Statute 768.0755 that the business establishment had actual or constructive knowledge of the dangerous condition and should have taken action to remedy it prior to the time of the alleged fall. Constructive knowledge may be proven by circumstantial evidence showing that (1) the dangerous condition existed for such a length of time that, in the exercise of ordinary care, the business establishment should have known of the condition or (2) that the condition occurred with such regularity that it was foreseeable that the condition would be present on the day the injury occurred.

At the hearing on the Motion for Summary Judgment, Plaintiff's counsel argued that summary judgment is rarely, if ever, appropriately granted in negligence cases pending in Florida state courts because "even the mere possibility or the slightest doubt that an issue might exist is sufficient to defeat summary judgment." In response, Mr. Guldalian successfully argued that the Plaintiff had failed to produce any evidence regarding the length of time the water the Plaintiff allegedly fell on had existing on laundry room floor before his fall. The Plaintiff also failed to produce any evidence that water was on the laundry room floor long enough such that the hotel knew or should have known of its existence. To the contrary, the undisputed evidence revealed that water appeared on the floor no more than 15 to 20 minutes prior to the time Plaintiff slipped and fell. Finally, the Plaintiff failed to produce any evidence that water on the floor of the laundry room occurred with such regularity that it was foreseeable that the condition would be present on the day the Plaintiff fell and was alleged injured. After extensive briefing and oral argument, the Court agreed with Mr. Guldalian and granted the hotel's Motion for Summary Judgment dismissing the Plaintiff's claims against the hotel with prejudice.

This is the second victory Mr. Guldalian has secured while representing this national hotel chain. The first victory occurred in June 2016 when he obtained a defense verdict following a four (4) day jury trial in another premises liability case involving the hotel.