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NEWS & EVENTS

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Traub Lieberman Partner Bradley T. Guldalian Wins Summary Judgment in Pinellas County Circuit Court

Related Attorneys: Bradley T. Guldalian

On September 20, 2021, Traub Lieberman Partner Bradley T. Guldalian secured summary judgment in Pinellas County Circuit Court in St. Petersburg, Florida, on behalf of a Homeowner who invited an acquaintance to his house to assist him with hanging a gutter on his roof. While he was assisting the Homeowner installing the gutter, the Plaintiff fell from a ladder and sustained a comminuted left intertrochanteric (hip) fracture. The Plaintiff was taken to the hospital, where he underwent open reduction, internal fixation of his left hip fracture. He was hospitalized for five days and released in wheelchair. He incurred more than $70,000 in medical bills and was confined to a wheelchair for two months.

The Plaintiff filed a negligence action against the Homeowner alleging he improperly set up the ladder causing it to become unstable, thereby creating a dangerous condition on the premises which proximately caused his fall. The Plaintiff claimed the Homeowner breached the duty he owed the Plaintiff to provide safe and stable equipment for his use. After engaging in discovery, Mr. Guldalian moved for summary judgment arguing that because the Plaintiff could not explain in his deposition why he fell from the ladder, the Plaintiff could not establish—as a matter of law—the Homeowner was negligent, did anything, or failed to do something, that proximately caused his injury. In support of his argument, Mr. Guldalian submitted the affidavit of an investigator who inspected the ladder after the Plaintiff's fall and found no defect in, on, or about the ladder, and affirmed that the area where the ladder was set up had no raised or defective areas which could have caused the ladder to become unstable.

After briefing and oral argument, the trial court agreed with Mr. Guldalian's argument, granted the Homeowner's Motion for Summary Judgment, and dismissed the Plaintiff's claims against the Homeowner with prejudice as a matter of law. In a four page written opinion, the trial court noted that just because an accident occurs on property does not, in an ordinary case, establish a breach of a duty of care owed by the property owner or causation for that injury. Because the Plaintiff had failed to present any evidence explaining why he fell from the ladder or how the Homeowner had done something—or failed to do something—that caused the ladder to become unstable, the Plaintiff had failed to establish a causal connection between any breach of duty owed by the Homeowner and the Plaintiff's resulting injuries thereby entitling the Homeowner to summary judgment as a matter of law.

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