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Traub Lieberman Partner Matthew Toto Wins No Cause Verdict for Insured in New Jersey Slip and Fall Case

Related Attorneys: Matthew Toto

Traub Lieberman Partner Matthew Toto represented the Insured, a New Jersey private beach club, in a slip and fall case brought before the New Jersey State Court. The Plaintiff alleged that she fell down Trex composite stairs on the premises while walking to the pool and that one of the steps was wet from use by other members and guests, resulting in her injury. She allegedly suffered two torn ligaments in her right ankle and an osteo chondral defect, resulting in two surgeries.

The Plaintiff put forth a liability expert and expert testimony from an orthopedic surgeon. Mr. Toto demonstrated that the liability expert's means and methods of testing the coefficient of friction on the steps were not scientifically reliable and that the codes and sources the liability expert relied upon to support his opinions were actually contradictory to his opinions. Further, Mr. Toto demonstrated that the conditions observed by the orthopedic surgeon were pre-existing and/or degenerative conditions.

In addition, images were uncovered through a social media search of the Plaintiff at numerous music concerts, an amusement park, and traveling to multiple cities, including international travel. Approximately 30 images depicting these activities from the Plaintiff's social media accounts were submitted into evidence.

Based on this evidence and after a jury deliberation of less than one hour, the Insured was found not negligent.