

## Shopper slips in puddle at market, injures back

**Defense: water was in plain view; \$135,000 settlement**

**Published:** July 19, 2010

A 60-year-old retired woman was shopping at the defendant's market when she slipped and fell in a puddle of water.

She suffered a compression fracture at L4, requiring back surgery. Her medical expenses totaled \$22,000, a substantial portion of which was covered by the defendant's policy.

The incident was witnessed by another customer and two employees. The plaintiff was prepared to show that the water had been leaking from a cooler for some time and that the defendant had been aware of the problem and had failed to correct it.

The defendant was prepared to argue that the water was in plain view and that the plaintiff had been suffering from back problems prior to the incident.

An MRI performed prior to the incident showed a fracture at L2. However, the plaintiff was prepared to show that the L4 fracture was a new injury, and the L2 fracture had been aggravated by the fall.

Type of action: Slip, trip  
fall

Injuries alleged: Back injury

Name of case: Withheld

Court/case no.: Withheld

Tried before judge or jury: N/A (mediated)

Amount of settlement: \$135,000

Demand: \$200,000

Date: April 18, 2010

Most helpful expert: Mathew Phillips, M.D., Dartmouth

Attorney: Goncalo M. Rego, GMRego, New Bedford (for the plaintiff)

### Detailed Information

<b>Type:</b>	Settlement
<b>Total Value:</b>	\$135,000.00
<b>Verdict/Settlement Date:</b>	4/18/2010
<b>Type of Action:</b>	Slip, Trip & Fall
<b>Court:</b>	Confidential
<b>Case Number:</b>	Confidential
<b>Caption:</b>	<i>Confidential v. Confidential</i> <b>Plaintiff(s) v. Defendants(s)</b> Confidential Confidential
<b>Injuries Alleged:</b>	Back, spine

**Injuries Detail:** Back injury  
**First Demand:** \$200,000.00  
**Tried Before:** Mediation  
**Judge or Mediator or Arbitrator:** Not Specified

**Attorney(s) for Plaintiff(s)**

**Lead Attorney:** Goncalo M. Rego  
**Firm:** GMRego (New Bedford, Massachusetts)

**Attorney(s) for Defendant(s)**

No defendant attorneys

**Insurance Carrier(s)**

No insurance companies involved

**Plaintiff(s) Expert(s)**

**Expert:** Mathew Phillips M.D.  
**Title:**  
**Specialty:** Not Specified  
**Company/Institution:** Dartmouth  
**City/State:**

**Defendant(s) Expert(s)**

No defendant experts