



2016 CLM Annual Conference
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“Negligent Security”

VERDICTS & SETTLEMENTS-PREMISES LIABILITY

Verdicts

- ***Dailey v. Eagle Army-Navy*** - \$1.2 million verdict for a store customer who was pistol-whipped on the head by a security guard. Our client was only momentarily dazed and walked away. Three months later, he suffered a stroke. The defense used conventional medical evidence to vehemently argue against there being a connection between the blow and the stroke three months later.
- ***Janice Morris v. Wal-Mart Stores East, L. P. Case NO. 09-CA-004964*** - Judge Joseph Fuller, Lee County, Florida. Walmart admitted liability but denied that Mrs. Morris suffered a permanent injury. The parties stipulated to past medical expenses of \$21,400.77 and the jury awarded \$150,000 in past pain and suffering and \$250,000 in future pain and suffering. At trial the Plaintiff asked for total pain and suffering damages of \$300,000-\$500,000 and the Defendant argued that the jury should award Mrs. Morris \$5,000 to \$10,000 in past pain and suffering, only.
- ***Publix Super Markets, Inc. v. Timothy Jeffery and Diana Jeffery*** Appellees. 650 So. 2d 122 - After he was shot while chasing a woman's assailant in a parking lot, plaintiff victim and his wife brought a premises liability negligence action against multiple defendants, arguing that defendants breached a duty of due care owed to plaintiff victim as a rescuer of a criminally attacked patron of the shopping center. Defendants, except for defendant supermarket, settled with plaintiffs. Defendant moved for directed verdict but was denied. A jury found for plaintiffs and the trial court entered final judgment against defendant. On appeal, the court stated that the owner of a commercial shopping center retained the sole

responsibility for maintaining common areas, including parking lots. Defendant, as a tenant, had no duty to provide security guards to patrol the common area parking lots or to warn its patrons of criminal attacks in the lot. The court held that the trial court erred in denying defendant's motion for directed verdict. The judgment was reversed and remanded.

Settlements

- ***Estate of L.G. v. Security Company*** - \$1.8 million settlement for a case against a security company for the wrongful death of the mother of three teenage girls when their house alarm did not work and the mother was killed in her bedroom by an intruder. The defense claimed that its damages under its contract were limited to \$500.00.
- ***R.S. v. Denney's*** - \$700,000 settlement against the restaurant for a woman mugged and injured in the eatery's parking lot.
- ***M.S. vs. Management Co.*** - \$650,000 for injuries to a woman's leg resulting from slipping on a pool deck at her apartment complex
- ***M.C. v. Cruise Ship*** - a passenger on a cruise ship based out of Miami Florida. While attempting to get a drink at one of the restaurant's beverage stands, slipped on water that had accumulated on the marble floor. As a result of the fall, injured his knee (torn meniscus) and lower back which ultimately required surgery.
- ***R.A. v. Condominium*** a Coconut Grove real estate agent, arrived by car at a Hallandale, Florida condominium. She stepped up on the curb and walked around towards the back of her car to take out some items from the trunk. Unfortunately, the condominium and its security company negligently placed the floor mat over the curb in a manner that made it appear as if it was on solid ground instead of hanging over the edge of the curb. She stepped on the mat, tripped and fractured her ankle in three places. As a result of the accident, she had to undergo emergency surgery and many months of rehabilitation. She now also suffers from lower back pain as a result of her altered gait. She obtained a successful confidential settlement from the condominium and its security company to compensate her for her medical expenses and her pain and suffering as a result of her slip and fall.