

Nelson & Dahle, P.C.

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DISTRICT COURT

Verhasselt v. Reynolds Warehouse Grocery, Richland DV 00-50, 7/26/01.

VERDICT: Defense, store slip & fall, fractured wrist.

A 12-0 Sidney jury found that Reynolds Warehouse Grocery did not breach its duty of care to Violet Verhasselt in connection with injuries suffered in a slip & fall in the Sidney store in 2/00.

It had snowed the day before and was wet and slushy outside. According to Verhasselt, she entered the store, stepped off the entrance rug, and slipped & fell on the smooth floor. She was wearing flat dress shoes with small treads. Both shoes came off when she fell. It was disputed whether her husband exclaimed, "Those were bad shoes to wear today." Another customer testified that she told Verhasselt, "You could have made a better choice of shoes to wear." Verhasselt contended that the store failed in its duty of ordinary care because the floor was too wet and the "Caution Wet Floor" sign was not out and for not having either additional rugs or skid-resistant tile. Another customer testified that the floor was wet but there was no accumulated water. The store contended that its sign was out, the floor had been continuously mopped all day, and the standard of care did not require special flooring. It called the manager of competitor County Market to establish that the stores took identical steps to deal with entrance moisture on wet days.

Verhasselt, then 68, was in pain but unaware of an injury, and shopped for a half hour. That night she had swelling in her wrist. She went to the hospital where x-rays revealed a fractured wrist. The fracture was casted for 6 weeks. After removal of the cast she noticed numbness and was eventually diagnosed with aggravation of pre-existing moderate to severe CTS. Her doctors recommended CT release. Past medicals were \$6,000; future medicals were \$3,000.

Plaintiff's expert: orthopedic surgeon Lotfi Ben-Youssef, Sidney (video).

Defendant's expert: Sidney County Market manager Perry Williams (deposed).

Demand, \$20,000; offer, none. Jury request, \$30,000; jury suggestion, \$0.

Jury deliberated 1 hour 2nd day; Judge Phillips.

David Lauridsen (Bothe & Lauridsen), Columbia Falls, for Verhasselt; Randall Nelson, Billings, for Reynolds (Grocers Ins.).

