

\$175,000 Settlement for Slip and Fall in a Grocery Store

Denville, NJ

Christopher L. Musmanno, Esq., Chair of the Personal Injury Department and Certified Civil Trial Attorney with the law firm of Einhorn, Barbarito, Frost & Botwinick, PC in Denville, NJ, announces a \$175,000.00 settlement for a slip and fall at a grocery store.

Plaintiff is a female in her mid-fifties. In June 2013, at approximately 11:00 am, while shopping in an A&P grocery store, Plaintiff slipped and fell in a puddle of water in the produce department, landing violently on her lower back and right buttocks. After conservative treatment failed, she underwent open discectomy and fusion surgery at L4-L5 with the application of a cage at that level. The problem with this case is that subsequent to the filing of the lawsuit, A&P filed for bankruptcy. Under the bankruptcy code, the civil litigation against A&P was stayed and would essentially result in a dismissal of Plaintiff's case. However, the Personal Injury Department at Einhorn Barbarito was not satisfied with the dismissal of the case. We filed a Proof of Claim in Bankruptcy Court and ultimately a Motion in Bankruptcy Court to lift the stay and reactivate the Superior Court case. We were allowed to pursue the Superior Court case up to the limits of insurance that A&P possessed at the time. A battle then ensued with the excess carrier who ultimately conceded, based upon review of its policy, that it had a duty to drop down in the case of its insolvent insured and cover any damages from dollar one. We then took the deposition of an A&P representative who described an ongoing problem in the produce department with drainage which would explain the excess water and puddling in that department resulting in Plaintiff's slip and fall. As a result, the case was settled for \$175,000.00 prior to trial.