

## Slip and Fall Verdicts at a Glance

*A Snapshot Summary of the 2000 to 2006 Premises Liability/Slip & Fall Cases.  
Current year cases in bold. Results sorted by verdict size.*

### Slip & Fall Cases

<u>Case Type</u>	<u>County</u>	<u>Verdict</u>	<u>Summary</u>
Slip & Fall-1269	Fayette	\$954,851	Fall over a stocking box; punitives of \$500,000
Slip & Fall-1331	McCracken	\$329,425	Delivery man fell in a puddle of detergent
<b>Slip &amp; Fall-3276</b>	<b>Jefferson</b>	<b>\$298,660 less 94%</b>	<b>Conventioneer tripped over a city sidewalk – the jury found the plaintiff 94% at fault</b>
Slip & Fall-1769	Christian	\$264,916	Fall in cookie crumbs injures knee
Slip & Fall-1273	Fayette	\$200,386	Fall on icy sidewalk leads to broken arm
Slip & Fall-2622	Scott	\$168,000	Fall in Burger King parking lot
Slip & Fall-1950	Madison	\$127,102	Fall in paint puddle led to knee injury
Slip & Fall-1948	Madison	\$75,363	Fall in a Lysol puddle resulted in wrist injury
Slip & Fall-1951	Madison	\$75,000	Concussive injury after fall over a flower pot
<b>Slip &amp; Fall-3329</b>	<b>Fayette</b>	<b>\$73,747 less 40%</b>	<b>Plaintiff tripped in a hole in a parking lot</b>
Slip & Fall-1884	Breathitt	\$73,670	Fall on wet floor led to shoulder injury
Slip & Fall-1217	Jefferson	\$63,435	Fall over bricks leads to a broken arm
Slip & Fall-2203A	Warren	\$60,845 less 60%	Girlfriend slipped on boyfriend's icy steps
Slip & Fall-2203	Grayson	\$55,530 less 50%	Woman fell on a crack on a hospital sidewalk
Slip & Fall-1354	Daviess	\$52,083 less 70%	Fall on a slick floor leads to disc injury
Slip&Fall-3071	Campbell	\$52,080	Fall on steps made slippery by Ice-Melt
Slip & Fall-1439	Boyd	\$51,468 less 70%	Fall on broken sidewalk results in broken wrist
Slip & Fall-1921	Magoffin	\$50,132 less 10%	Fall over Christmas tree led to broken arm
Slip&Fall-3166	Perry	\$47,500	A girl slipped on a wet Ponderosa floor and sustained a separated shoulder
Slip&Fall-2981	Jefferson	\$45,087 less 10%	Trip over a broken sewer grate
Slip & Fall-1815	Warren	\$42,902	Leg broken in parking lot fall
Slip & Fall-1818	Warren	\$40,000 less 75%	Disc injury from fall on a dirty bathroom floor
Slip & Fall-1266	Fayette	\$35,147 less 50%	Fall on a rainy floor
Slip&Fall-3084	Graves	\$32,490 less 30%	Fall on faulty sidewalk construction
Slip&Fall-3084	McCracken	\$28,725 less 80%	A pastor fell on steps while making a call to a parishioner at a hospital
Slip & Fall-1953	Scott	\$28,110 less 25%	Disc injury from fall on a wet floor
Slip & Fall-1270	Fayette	\$25,000 less 50%	Fall on painted handicap ramp
Slip & Fall-1356	Calloway	\$22,944 less 35%	Fall on a wet floor leads to tailbone fracture
Slip&Fall-3167	Perry	\$21,890 less 10%	Fall in a utility hole
Slip & Fall-1403	Hardin	\$12,350 less 50%	Fall on a rain-slicked floor
Slip & Fall-2246	Bell	\$11,235	Fall in a puddle of shampoo
Slip & Fall-2054	Jefferson	\$11,000	Fall on a wet floor at a restaurant
Slip & Fall-1850	Allen	\$10,800	Fall in mashed kiwi resulted in soft-tissue injury; suffering damages Fraztke'd
Slip&Fall-3142	Greenup	\$10,175	Slip on a rug at a convenience store
Slip & Fall-1496	Whitley	\$7,161	Fall at a temporary pedestrian walkway
Slip & Fall-2272	Pike	\$6,950 less 50%	Lowe's customer fell over a lumber cart
Slip & Fall-1816	Barren	\$6,596	Fall on wet floor led to an injured shoulder
<b>Slip &amp; Fall-3477</b>	<b>Pike</b>	<b>\$5,619</b>	<b>Optometrist fell over a cracked sidewalk</b>
Slip & Fall-1771	Muhlenberg	\$5,000	Wet floor fall injured knee
Slip & Fall-1887	Bell	\$4,538	Disc injured by fall on an oily floor
Slip & Fall-2883	Clay	\$2,791 less 1%	Wet floor at Lee's Famous Recipe
Slip & Fall-1405	Barren	\$1,752 less 50%	Fall over a moving garden hose
Slip & Fall-1358	Muhlenberg	\$1,435 less 50%	Fall in a puddle leads to ankle sprain

**Premises Liability Verdicts at a Glance, Continued**

*Slip and Fall Cases, continued*

Slip & Fall-1895	Clay	\$1,176	Fall on leak from buffed floor injured disc
Slip & Fall-1334	McCracken	\$1,045 less 90%	Fall over a manhole cover
Slip & Fall-1265	Fayette	\$1.00	Fall on uneven sidewalk
Slip & Fall-1718	Boone	For plaintiff	Fall at a food bar; damages bifurcated
<b>Slip &amp; Fall-3330</b>	<b>Fayette</b>	<b>Zero</b>	<b>Fall on dripped water in plaintiff's own apartment, the water having dripped from a carpet cleaning company</b>
<b>Slip &amp; Fall-3434</b>	<b>Warren</b>	<b>Zero</b>	<b>Fall on a wet floor at a bingo hall</b>
<b>Slip &amp; Fall-3275</b>	<b>Jefferson</b>	<b>Zero</b>	<b>Trip over a protruding sewer grate</b>
<b>Slip &amp; Fall-3363</b>	<b>Kenton</b>	<b>Zero</b>	<b>Fall on a cobblestone street</b>
<b>Slip &amp; Fall-3362</b>	<b>Campbell</b>	<b>Zero</b>	<b>Slip on ice that formed from a drain</b>
<b>Slip &amp; Fall-3403</b>	<b>Christian</b>	<b>Zero</b>	<b>Slip on water that melted from drug-in snow at a daycare foyer</b>
Slip&Fall-3185	Pike	Zero	Fall in a puddle on a hospital floor
Slip&Fall-3043	Fayette	Zero	Fall on a steep and icy driveway
Slip&Fall-2980	Jefferson	Zero	Slid on a tray left in the aisle at the movies
Slip&Fall-3168	Knox	Zero	A woman with MS falling exiting a bank
Slip&Fall-3164	Powell	Zero	Plaintiff fell down a flight of unprotected stairs at a funeral home and sustained fatal injuries
Slip&Fall-3086	McCracken	Zero	Fall in ice cubes outside an O'Charley's
Slip&Fall-3085	McCracken	Zero	The babysitter tripped over the steps and fell
Slip & Fall-2901	Letcher	Zero	Fall over a bag of cat litter
Slip & Fall-2770	Fayette	Zero	Fall over debris outside an apartment
Slip & Fall-2855	Boyd	Zero	Fall over icy covered bricks
Slip & Fall-2921	Frankfort	Zero	Fall on a soapy Wal-Mart bathroom floor
Slip & Fall-2903	Pike	Zero	Fall on concrete trailer steps
Slip & Fall-2771	Fayette	Zero	Uneven sidewalk with low-hanging tree limbs
Slip & Fall-2841	Warren	Zero	Fall in a liquor store over a shopping cart
Slip & Fall-2840	Larue	Zero	Wobbly water meter
Slip & Fall-2711	Jefferson	Zero	Icy fall outside a municipal building
Slip & Fall-2712	Jefferson	Zero	Fall outside a poorly lit car dealership
Slip & Fall-2713	Jefferson	Zero	Fall in an icy parking lot
Slip & Fall-2710	Jefferson	Zero	Fall down a flight of steps
Slip & Fall-2528	Bullitt	Zero	Icy gas station parking lot fall
Slip & Fall-2527	Warren	Zero	Fall on slick deck at swimming pool
Slip & Fall-2376	Jefferson	Zero	Wet floor at bowling alley (first Lanier v. Wal-Mart burden shifting case)
Slip & Fall-2382	Jefferson	Zero	Apartment dweller slipped on wet paint
Slip & Fall-2374	Jefferson	Zero	Greasy floor at country club bathroom floor
Slip & Fall-2379	Jefferson	Zero	Wet tile outside a pizza joint
Slip & Fall-2500	Webster	Zero	Snowy fall outside an apartment complex
Slip & Fall-2501	Caldwell	Zero	Extension cord covered by leaves
Slip & Fall-2621	Clark	Directed verdict	Court directed a verdict when plaintiff fell in a hallway over a box -- hazard called open and obvious
Slip & Fall-2607	Johnson	Directed verdict	Unpacked gravel in parking lot is open and obvious
Slip & Fall-2381	Jefferson	Directed verdict	A tray on a McDonald's floor is open and obvious
Slip & Fall-2501	Kenton	Incomplete verdict	Case settled when while deliberating, the jury asked the court, What is the maximum award for suffering?
Slip & Fall-2226	Boyd	Zero	Mother fell in restaurant over son's vomit

## Premises Liability Verdicts at a Glance, Continued

### *Slip and Fall Cases, continued*

Slip & Fall-2299	Jessamine	Zero	Customer slipped on a wet Wal-Mart floor
Slip & Fall-2201	Warren	Zero	Fall over a pipe on a Lowe's floor
Slip & Fall-2053	Jefferson	Zero	Fall blamed on a defective city sidewalk
Slip & Fall-2048	Fed-Louisville	Zero	Fall on a sale tag on the floor
Slip & Fall-2049	Jefferson	Zero	Fall in a puddle in an apartment lobby
Slip & Fall-2050	Jefferson	Zero	Fall in a puddle of detergent
Slip & Fall-2052	Jefferson	Zero	Fall in pine needles that covered a driveway
Slip & Fall-2051	Jefferson	Zero	Trip over a raised cable at a car lot
Slip & Fall-2126	Kenton	Zero	Fall over a raised step at a church
Slip & Fall-2247	Laurel	Zero	Fall on a slick bingo floor
Slip & Fall-1865	Boyd	Zero	Fall over a piece of tile
Slip & Fall-1949	Franklin	Zero	Fall on a wet floor
Slip & Fall-1683	Fayette	Zero	Fall over torn carpet
Slip & Fall-1684	Fayette	Zero	Fall in a hole
Slip & Fall-1682	Fayette	Zero	Fall on a wet floor
Slip & Fall-1922	Magoffin	Zero	Fall down poorly lit stairs
Slip & Fall-1924	Pike	Zero	Fall over colored pencils on the floor
Slip & Fall-1642	Jefferson	Zero	Fall over a handicap ramp
Slip & Fall-1641	Jefferson	Zero	Blind woman fell exiting a restaurant
Slip & Fall-1638	Jefferson	Zero	Fall on a floor that was too well-polished
Slip & Fall-1643	Jefferson	Zero	Fall on a cracked sidewalk
Slip & Fall-1636	Jefferson	Zero	Fall on steps at the zoo in the polar bear exhibit
Slip & Fall-1632	Jefferson	Zero	Sidewalk fall resulted in a leg injury
Slip & Fall-1631	Jefferson	Zero	Fall on steps resulted in shoulder injury
Slip & Fall-1634	Jefferson	Zero	Fall over shelving resulted in elbow injury
Slip & Fall-1639	Jefferson	Zero	Fall on black ice
Slip & Fall-1719	Campbell	Zero	Fall on a wet floor
Slip & Fall-1890	London	Zero	Fall in icy Wal-Mart parking lot
Slip & Fall-1888	Bell	Zero	Fall in oily spot
Slip & Fall-1885	Whitley	Zero	Fall in peanut hulls at restaurant
Slip & Fall-1889	Perry	Zero	Fall in liquid soap
Slip & Fall-1422	Allen	Zero	Fall on a step leading into a florist shop
Slip & Fall-1495	Bell	Zero	Fall on an oily spot in Wal-Mart parking lot
Slip & Fall-1525	Bourbon	Zero	Fall on dry slick spot
Slip & Fall-1309	Campbell	Zero	Fall stepping from an elevated restaurant booth
Slip & Fall-1268	Fayette	Zero	Fall on a hole in the parking lot
Slip & Fall-1471	Floyd	Zero	One-legged woman falls in shower gel
Slip & Fall-1470	Floyd	Zero	Fall in an oily spot at a gas station
Slip & Fall-1500	Harlan	Zero	Fall in nail polish leads to a tailbone injury
Slip & Fall-1404	Hardin	Zero	Step condition outside a restaurant leads to fall
Slip & Fall-1307	Oldham	Zero	Fall over a knotted carpet
Slip & Fall-1498	Pike	Zero	Fall in a puddle of water
Slip & Fall-1401	Warren	Zero	Fall in ketchup at the food court

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### *Looking Deeper at the Slip and Fall Numbers*

We thought we'd look at the average apportionment awards solely within the context of the slip and fall case. [Premises liability cases, which are broader by type of hazard by nature, are excluded from this analysis.]

In the above list, plaintiffs took a verdict in 46 of 123 cases – that represented a win-loss percentage of 37.3%. Then when plaintiffs took an award, the jury apportioned fault in 22 cases – in 24 other cases, there was no apportionment. 47.8% was the rate at which apportionment was assessed to plaintiff when they prevailed.

Then to the third number, when juries apportioned fault to plaintiffs in those 22 cases, what did it average. The aggregate apportionment was 1020, resulting in an average apportionment award of 46.3%.

To summarize this analysis, (1) plaintiffs won 37.3% of the slip and fall verdicts, (2) of the cases that they won, fault was apportioned to plaintiffs 47.8% of the time, and (3) when it was apportioned, that apportionment averaged 46.3%.

How is this information useful? Assume for this example damages in a slip and fall case, fault excluded, are \$100,000. That plaintiff has a 37.3% chance of having a verdict returned in his favor. Reduce the \$100,000 to \$37,300 to reflect the likelihood of a defense verdict. There is then a 47.8% chance the jury will apportion fault 46.3% to the plaintiff. To make the adjustment for the settlement figure, multiply .478 times 46.3, representing an average apportionment reduction of 22.13%. Then multiply our fictional \$37,300 award by .7787 (the inverse of the 22.13%), leaving a final value for the \$100,000 case at \$29,045. That reduction then accounted for (1) the likelihood of a defense verdict on liability in this fact set, and as well, (2) when there is a plaintiff's verdict, both the likelihood of apportionment and the actual apportionment assessment. This doesn't represent the gospel in valuing a case, but we think it provides one option to consider as a starting point in valuing a slip and fall case.

**Premises Liability Cases**

Premises Liability-2557	Greenup	\$1,040,007 less 40%	Nurse fell down a blind set of steps at an outpatient center, blaming the landlord
Premises Liability-1923	Pike	\$496,735	Man fell down a culvert helping to move a mobile home
Premises Liability-2575	Fed-London	\$325,000	Thirty-gallon garbage cans rained on plaintiff at Lowe's
Premises Liability-1893	Whitley	\$250,000	Fall through a collapsing floor as man considered a rental property for purchase
Premises Liability-1407	Hardin	\$248,381 less 68%	Ladder collapses and man falls two floors
Premises Liability-1437	Boyd	\$201,659	Lack of a handrail leads to a fall down steps
Premises Liability-2200	Warren	\$199,764 less 15%	Mall patron tripped over a kiddie ride
Premises Liability-3213	Shelby	\$153,230	Plaintiff was injured when a second floor storage room collapsed
Premises Liability-2857	Mason	\$138,220 less 25%	A load of lumber fell of a shopping cart
Premises Liability-2902	Pike	\$108,179	24-pack of Coca-Cola fell on plaintiff
Premises Liability-1219	Jefferson	\$100,233	Elevator jerks leading to disc injury
Premises Liability-1400	Federal - B.G.	\$155,456	Ladder falls on woman breaking her arm
Premises Liability-2047	Jefferson	\$84,986 less 61.25%	Fall at the movies over crowd-control device
Premises Liability-1499	Pike	\$63,000 less 25%	Bicycle falls on Wal-Mart customer
Premises Liability-1438	Fleming	\$59,513	Trailer deck collapses leading to broken wrist
Premises Liability-2101	Fayette	\$54,046	Pedestrian fell in an open ditch
Premises Liability-2882	Laurel	\$52,357	The seat at Burger King collapsed
Premises Liability-1747	McCracken	\$39,528	Dolly carrying TV crashed into plaintiff
Premises Liability-1892	Jackson	\$33,988	A sled fell from shelf, injuring plaintiff's ankle
Premises Liability-1954	Scott	\$28,577 less 20%	Man fell over a steeply sloped drainage ditch
Premises Liability-1886	Bell	\$15,150	Shelf fell on plaintiff's ankle
Premises Liability-1357	Ohio	\$11,860	Box with garden hose falls on plaintiff
Premises Liability-2102	Fayette	\$11,500	Fall from a letter blamed on a rotted floor
Premises Liability-1271	Fayette	\$10,600	Toothbrush rack falls on Wal-Mart customer
Premises Liability-1633	Jefferson	\$10,185	Knee injury resulted after a fall on a city bus
Premises Liability-1332	Fed-Paducah	\$8,356	Woman steps on a pin in a dressing room
Premises Liability-2856	Boyd	\$8,281	A chair at a hospital collapsed
Premises Liability-2248	Laurel	\$8,000	Reckless employed pushed shopping cart into plaintiff
Premises Liability-1223	Jefferson	\$8,000 less 33%	Woman knocked off balance at amusement park
Premises Liability-2803	Graves	\$6,237	Mother was injured when her son's front porch swing collapsed
Premises Liability-1952	Harrison	\$5,313 less 40%	At a barber shop, man fell down stairs of an open door
Premises Liability-2373	Jefferson	\$3,800 less 50%	Shopper tripped over a merchandise rack
Premises Liability-2202	Hardin	\$3,547	Mops at a grocery fell on the plaintiff
Premises Liability-2502	Muhlenberg	\$3,417 less 96%	Fall down a blind set of steps in an insurance agent's office
<b>Premises Liability-3423</b>	<b>Bullitt</b>	<b>Zero</b>	<b>Tourist tripped on steps at a campground</b>
<b>Premises Liability-3422</b>	<b>Bullitt</b>	<b>Zero</b>	<b>Walking out of her vet's office (carrying a dog), plaintiff tripped over the door threshold</b>
<b>Premises Liability-3364</b>	<b>Christian</b>	<b>Directed</b>	<b>Plaintiff fell and broke his ankle as he attempted to break up a party outside an Elks Club</b>
Premises Liability-3165	Laurel	Zero	A fire started in a basement firing range and plaintiff was killed
Premises Liability-2839	Taylor	Zero	Fall through a stairway that opened from the floor

## Premises Liability Verdicts at a Glance, Continued

### *Premises Liability, continued*

Premises Liability-2709	Jefferson	Zero	A carpenter fell on rotted roof planks
Premises Liability-2422	Fayette	Zero	Plaintiff fell because of a sidewalk defect outside a chiropractor's office
Premises Liability-2529	Metcalfe	Zero	Fall of a faulty trailer park porch
Premises Liability-2380	Jefferson	Zero	Fall into an unmarked drainage ditch in front of an apartment complex
Premises Liability-2372	Jefferson	Zero	A nail in a yard punctured plaintiff's foot
Premises Liability-2453	Kenton	Zero	Plaintiff fell down an open set of steps at an ultra-modern home
Premises Liability-2576	Fed-London	Zero	A pond liner fell off a Lowe's shelf
Premises Liability-2125	Fed-Covington	Zero	Apartment dweller stubbed his toe in the dark
Premises Liability-2169	Henderson	Zero	Ladder collapsed under plaintiff as he installed a bird house
Premises Liability-2146	Lyon	Zero	At a repair shop, plaintiff tripped over a repair jack that extended from under a car
Premises Liability-1748	Marshall	Zero	Man washing windows fell from ladder
Premises Liability-1770	Trigg	Zero	Bleach bottles fell and broke on woman's already infected leg
Premises Liability-1892	Harlan	Zero	Dumbbell shifted and mashed a finger
Premises Liability-1894	Whitley	Zero	A box of Charmin' tissue fell on plaintiff
Premises Liability-1720	Oldham	Zero	Cassette player fell from shelf and hit leg
Premises Liability-1640	Jefferson	Zero	Box of candles fell on plaintiff
Premises Liability-1637	Jefferson	Zero	Worker tripped over an open gas meter
Premises Liability-1635	Jefferson	Zero	Wallpaper hanger fell and suffered testicular injury
Premises Liability-1817	Meade	Zero	Bleacher collapse at the rodeo
Premises Liability-1497	Breathitt	Zero	Woman falls from commode
Premises Liability-1267	Fayette	Zero	Fall over landscape edging
Premises Liability-1272	Fayette	Zero	Fall over steps leads to ankle injury
Premises Liability-1355	Fed - Owb	Zero	Fall over a parking lot drain cover
Premises Liability-1306	Grant	Zero	Paint can falls on Wal-Mart customer
Premises Liability-1305	Kenton	Zero	Drunk knocking on the door puts hand through the glass
Premises Liability-1220	Jefferson	Zero	College student in horizontal bungee incident
Premises Liability-1218	Jefferson	Zero	Woman injured when freezer opens quickly
Premises Liability-1224	Jefferson	Zero	Woman breaks her arm exiting a van
Premises Liability-1221	Jefferson	Zero	Man injured stepping from a bus
Premises Liability-1222	Jefferson	Zero	Issue is where on the curb did plaintiff fall
Premises Liability-1308	Kenton	Zero	Man injured by another's fall from a ladder
Premises Liability-1402	Marion	Zero	Barn siding falls on plaintiff
Premises Liability-1333	McCracken	Zero	Drunk patron falls out of a bar
Premises Liability-1401	Warren	Zero	Man falls in a snowy parking lot
Premises Liability-1524	Woodford	Zero	Rail in tobacco barn collapses

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