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VERDICTS & SETTLEMENTS

Woman breaks hip, shoulder in fall on supermarket walkway

\$193,000 Settlement

Plaintiff was a 62-year-old woman who went shopping with her daughter at on the opening day for a supermar-

Type of action: Personal injury

Injuries alleged: Fracture of hip and shoulder

Name of case: Confidential

Court: Fairfax County Circuit Court

Tried before: Mediation

Name of mediator: Paul F. Sheridan

Special damages: \$72,000 in medicals

Verdict or Settlement: Settlement

Amount: \$193,000

Date: March 12, 2010

Demand: \$500,000

Highest offer: \$193,000

Experts: Michael Leshner, engineer

Insurance carrier: Zurich and others

Plaintiff's attorney: Michael D. Kaydouh, McLean

ket. The plaintiff was disabled, having kidney disease, liver disease, heart trouble and cancer. She was in the parcel pick-up area, pushing the cart along a slanted walkway, when her shopping cart went over the edge of the 4-inch curb that did not have a railing in front of it as is required by the Americans with Disabilities Act.

She suffered a severely fractured hip and a broken shoulder. She became a total invalid and died from other causes one month before the statute of limitations expired.

Plaintiff's counsel sued in the name of her personal representative and filed suit against the owners of the shopping center, the managers, the general contractor, the subcontractor, the site planners/engineers, the architects and the tenant – seven defendants in all.

Before filing suit, the plaintiff's attorney ob-

tained all the site and architectural plans from the county and drafted a 25-page complaint, along with hundreds of requests for admission, extensive interrogatories and requests for production of documents. Plaintiff's safety consultant expert and engineer did an extensive review of the site.



KAYDOUH

The plaintiff's attorney went to other supermarkets owned by one of the defendants to obtain photos of where another defendant had installed similar railings on slanted sidewalks. Faced with the extensive discovery, the defendants requested mediation.

The plaintiff's premature death complicated the case. Plaintiff's family had to piece together what had occurred and how the plaintiff had suffered during her long period of incapacity. After nine hours of mediation, a settlement was reached.

[10-T-102]